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No. 47

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FORTENBERRY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 19, 2005.

I hereby appoint the Honorable JEFF FORTENBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT) for 5 minutes.

KEEPING PROMISES TO OUR SERVICE MEMBERS

Mr. SPRATT. Mr. Speaker, all of us who go out into the field to see our troops, and particularly overseas, bring back many conclusions and various impressions; but to a person, we all come back impressed, inspired, and thankful for the men and women who serve in the Armed Forces of the United States. In hard, dirty, and dangerous circumstances and often thankless deployments like Iraq and Afghanistan, they not only serve but they have had

to adapt and improvise and tackle tasks they were never trained to handle. They have risen to the occasion, they have risen to the challenge, and at significant cost, in terms of those who have been wounded or injured or killed in action. These troops are the finest that any country has ever fielded, and they deserve not only our admiration but our support, and not just for them and their roles, which are vitally important, but for their families back home, for they sacrifice dearly.

There are three levels in which our support should come: first, to those on active duty, and their families, and particularly those who are deployed for long tours of duty in harsh environments and under hazardous conditions; second, to the Guard and Reserve who leave their civilian occupations and are now serving in numbers and percentages we have never seen since the all-volunteer force was created some 30 years ago. Almost half of those in Iraq come from the reserve components. More than 300,000 have been called up over the last 2½ years; 45,000 have had their tours extended. Many are on their second tour, some on their third. They are answering the call, they are doing their duty, and they are proving that the total force works and works well. But they have families back home and jobs and businesses and obligations and debts to pay and health care needs, and they need our unstinting support as never before. They not only need it, they deserve it. Next come the veterans and the retirees, those who have put, in many cases, much of their adult lives into serving their country. They have served and they now look to their country to keep the promises that were made to them at the time they were serving and when they reupped and when they joined again and when they stayed in for 20 and 25 years, promises about retirement benefits, about veterans benefits, about health care and education and many other things.

When the needs of these three groups are put together, all together, they make up a long bill of particulars, more than we can do, in all candor, in 1 year or even 2 years; but every time we take up a supplemental appropriation bill or a defense authorization bill or a defense appropriation bill, we should frankly, candidly, and honestly, searchingly, ask ourselves, what are we doing in this bill, on this occasion, to meet the needs of our service men and women who are serving gallantly in places like Iraq and Afghanistan and what are we doing in particular for their families?

What are we doing to help them out in their combat circumstances, with flak vests and personal protective gear and up-armored vehicles? But what are we also doing for their children back home for their health care needs? Have we provided adequately, I do not think we have, for family separation centers, the one place dedicated to helping them resolve their problems while family members are overseas? And for Tricare, health care, critically important in our society, particularly for Reservists and their families, Reservists leaving their job, what have we done to provide and see to it that they do not have to sacrifice in terms of health care for themselves and their families not only while they are on duty but in the months after they are deactivated and come back home?

And how about servicemen's life insurance? For years it had been inadequately funded. Many troops because of the premium, modest though it seems, have not elected to take it. What are we doing to see to it that every American soldier who goes into combat, hazardous duty has at least several hundred thousand dollars of servicemen's group life insurance? And what are we doing about our veterans, our category 7 and 8 veterans for over 2 years now, if they have not previously registered and are not able to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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get admitted to veterans health care facilities? There are 50,000 veterans waiting in line as we speak for an appointment to a veterans health care facility. The President's budget for this year provided \$106 million, not much over last year which itself was inadequate to meet their needs. Over the next 5 years, this budget request is \$18 billion below what is needed for current services. We can do better than that.

We have got promises to keep to our veterans and these promises, above all, should be kept. Given the sporadic, unpredictable violence and the harsh, hard circumstances, it is not surprising that many of our troops come back, some have said as many as 17 percent, from places like Afghanistan and Iraq with difficult mental problems. This, too, is something we could do.

Mr. Speaker, we have to follow up the gentlewoman from California (Mrs. DAVIS) who not only is a member of the Committee on Armed Services but also formerly a military spouse and speaks knowledgeably about this subject.

THE HIGH PRICE OF GASOLINE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, as the summer driving season is set to begin, gasoline prices are at a record high. While some continue to blame the Bush administration and the Republicans in Congress, the truth is that neither is responsible for the record highs. The reason for the high gas prices includes the cost of crude oil due to a worldwide explosion in demand, the lack of refinery processing capacity, and the overregulation here in Washington.

The House will get the opportunity to address this problem this week with the House bringing to the floor the Energy Policy Act of 2005, H.R. 6. The long-awaited legislation contains a number of provisions that would lower gas prices. H.R. 6 encourages more domestic production of oil with incentives such as a streamlined permit process, promotes a greater refining capacity to bring more oil to market, and increases the gasoline supply by stopping the proliferation of expensive regional boutique fuels.

The Department of Energy predicts by 2025 U.S. oil and natural gas demand will rise by 46 percent, with energy demand increasing 1 percent for every 2 percent in GDP growth. Critics of H.R. 6 claim that it would do little to curb consumption or drive down prices. In fact, this legislation includes provisions to do just that. In order to scale back demand for oil, the proposal encourages vehicles powered by hydrogen fuel cells and increases funding for the Department of Transportation to work to improve fuel efficiency standards. Furthermore, it authorizes \$200 million for the clean cities program which will

provide grants to State and local governments to acquire alternative-fueled vehicles.

Curbing demand is necessary, but it is not nearly enough to lower the price of gas. We also need to increase domestic production of oil. Ending our dependence on foreign oil is not only important to the economy but also doubly important to national security. Currently, the U.S. imports about 60 percent of its oil. The Department of Energy projects this number will increase to 73 percent by 2025. In order to ensure reliable and secure supplies of oil, we have no choice but simply to increase our domestic supply.

Domestic energy production must be increased without compromising a clean environment. There have been giant leaps in technology that would produce oil and natural gas in an environmentally safe manner. We need a comprehensive energy policy that recognizes that sophisticated new technology greatly reduces adverse impacts on the environment by exploration and production. Along with the incredible advances in technology, transportation, and medicine that improve our lives comes the increased need for energy.

In addition, overregulation by the government also contributes to regional and seasonal price fluctuations that increase costs and, of course, reduce flexibility to meet consumer demand. According to the Energy Information Agency, last year refining costs represented about 20 percent of the retail cost of gasoline. By simply scaling back the excessive and cumbersome Federal regulations on refiners, we could significantly reduce these costs. For example, the 1990 Clean Air Act amendments mandate the sale of cleaner burning reformulated gasoline in order to reduce summer smog in nine major metropolitan areas. The law also requires that RFG contain at least 2 percent oxygen by weight.

To comply with these regulations, refiners must switch from winter grade fuel to costlier summer blend gasoline. According to the Federal Trade Commission, this adds 4 cents to 8 cents per gallon to the price of gasoline. Likewise, complying with a national low sulfur gasoline regulation for passenger cars not only represents scientific challenges for refiners but also could adversely affect gasoline supply and, of course, availability. The industry will need to invest more than \$8 billion over the next 3 years to meet this requirement, which will result in higher prices at the pump.

This hodgepodge of customized fuel requirements increases production costs which are ultimately reflected in the price of gasoline that we pay today. These varied gasoline specifications also restrict the ability of refiners and distributors to move supplies around the country in response to local and, of course, regional shortages.

High gas prices affect every sector of the American economy and especially

hit families the hardest. Congress has been debating and debating this issue for too long. We now have the chance to enact this week comprehensive energy legislation that will go a long way to lower the cost of gasoline. We need to fully embrace this opportunity before it is too late.

RECOGNIZING THE CONTRIBUTIONS OF OUR MILITARY FAMILIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from California (Mrs. DAVIS) is recognized during morning hour debates for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I am honored to join the gentleman from South Carolina (Mr. SPRATT). I have long admired and respected his efforts since I was elected to Congress and began serving with him on the Committee on Armed Services.

I want to take a moment now to specifically mention our military families. By now, every American should be familiar with the daily contributions and sacrifices made by our service members, but we have to remember that their families serve, too. Many spouses remind me all the time that when the military prepares for deployment, well, so do their families. As a former military spouse myself, I am incredibly grateful and humbled by their unique sacrifices. With so much of our attention on other things, their contributions often go unnoticed and underappreciated. I want our military families to know that we are working to improve the family-support infrastructure that exists for them. Access to family support services should be consistent without regard to where the families reside. Use of technology can certainly enhance their access to family support, but it sure cannot take the place of a support network.

Democrats are seeking more innovative ways to fund child care for military families, to provide a fully resourced, comprehensive and portable health care benefit, and to increase the value of the commissary and exchange benefit.

We have also made progress with addressing the demand for family housing. This has included privatization initiatives, military construction, and adequate funding for the basic allowance for housing. Democrats are also exploring ways in which we can work together with DOD to enhance educational and employment opportunities for military spouses.

□ 1245

And I can tell the Members firsthand how difficult this is when faced with the challenges of the military lifestyle. By recognizing the contributions of our military families, we have identified a critical part of addressing future recruiting and retention needs of the military. We must continue to recognize their sacrifices as well as those

made by the service members themselves.

This is an important task, and I am hopeful that Congress will continue giving this the concerted attention it deserves as we prepare the Defense Authorization bill for next year.

OUR U.S. MILITARY SUCCESSES IN AFGHANISTAN

The SPEAKER pro tempore (Mr. FORTENBERRY). Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to highlight the accomplishments that we have been able to achieve in Afghanistan, thanks to the dedicated and courageous service of our men and women in uniform. These Marines, sailors, airmen, and soldiers exemplify the best of what our country has to offer. By risking, and sometimes giving, their lives, they have allowed the 30 million people of Afghanistan to live in peace and prosperity, free from the fear and tyranny of the Taliban.

By liberating Afghanistan, our fighting men and women also ensured that al Qaeda would no longer be allowed to operate with impunity in what was then a failed state. In a brilliantly waged campaign, our Special Forces brought the fight to our enemies. By utilizing local resistance forces and at times even charging into battle on horseback, they liberated this beautiful country from a menacing dictatorship.

What the Afghans, with the help of the U.S. and our Coalition forces, were subsequently able to achieve is nothing less than a miracle. On October 9, 2004, barely less than 2 years since the fall of the Taliban, Afghanistan held the first democratic elections in its history, overwhelmingly electing Hamid Karzai as its President. Afghanistan is now scheduled to hold another election on September 18 to select its first parliament.

These two elections, coming less than a year apart, are even more impressive given that this country has been at war for the better part of the last 30 years. First, fighting a Soviet invasion, and later, a civil war between the different mujahideen.

I could not find better words than those of a reporter of the Associated Press to describe the presidential election in Afghanistan when he wrote: "After a generation of conflict, Afghans are slowly emerging from darkness. In the afterglow of last fall's presidential election, there is hope in Kabul."

In this country of 30 million people, more than 10 million registered to vote, 41 percent of them women, these elections were monitored by more than 5,400 independent observers from groups such as the EU, the OSCE, the U.S., and the U.N., giving further validity to these historic elections.

The hard work of our men and women in uniform does not stop there. They have worked closely with our allies to train a national Afghan army so that their people and their hard-fought democracy can be protected. Almost 19,000 soldiers now serve in the Afghan national army with another 3,400 being trained by our troops. These soldiers are being deployed to all corners of the country.

The United States has also trained more than 25,000 police officers, and other countries have assisted as well. Germany, for example, has trained nearly 6,000 border and national police. Our U.S. Armed Forces have also trained 120 judges, lawyers, and court personnel. Ensuring the rule of law that it would be protected in this nation that has known only war and tyranny is miraculous.

The U.S. military has also helped to rehabilitate more than 7,500 canals, underground irrigation tunnels, reservoirs, and dams to increase agricultural output in this arid country. These policies have resulted in an 82 percent increase in wheat production.

Our U.S. military forces were also able to assist in the demining and paving of the very important Kabul-Kandahar highway, ahead of schedule, as well as rehabilitating 74 bridges and tunnels.

These accomplishments have led to a 30 percent growth in the Afghan economy from 2002 to 2003 and an estimated 16 percent growth from 2003 to 2004. These policies have led to 2.4 million refugees returning to Afghanistan from neighboring countries after many years of being displaced by war. Another 600,000 internally displaced individuals have also been able to return home.

Mr. Speaker, I could stand before this body for hours to speak about our success in Afghanistan and the positive difference that our U.S. military troops have made in this country. I understand their sacrifices and those of their families. My own husband, retired Lieutenant Dexter Lehtinen, was a platoon leader in Vietnam until a grenade almost took his life. The scars on his face are constant reminders of the price so many Americans have paid for our freedom and the price that so many more continue to pay.

As my stepson, Aviator First Lieutenant Douglas Lehtinen, prepares to deploy Iraq, I cannot help but think about the sacrifices of our men and women in uniform. While nothing can replace those who were lost and although the scars will never disappear, those acts of bravery have not been in vain.

May God bless our men and women in uniform and may God bless America.

CAFTA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, a bowling ball weighs about 170 times the weight of a slice of sandwich bread. It does not take a physicist to see the mismatch between a bowling ball and a slice of bread. It does not take a trade expert to see the economic mismatch between the United States and the nations that make up the Central American Free Trade Agreement, CAFTA: Honduras, Costa Rica, Nicaragua, Guatemala, and El Salvador.

The way that proponents of the Central American Free Trade Agreement talk, one would think that Central America was one of the biggest economies in the Western Hemisphere. CAFTA nations, in fact, are not only among the world's poorest countries, they are among its smallest economies.

Think about this: This big trade agreement that President Bush wants, CAFTA, the combined purchasing power of CAFTA nations is almost identical to the purchasing power of Columbus, Ohio.

Tomorrow the House will hold a hearing on CAFTA. Since President Bush took office, Congress has voted within 55 days of the President's affixing his signature on a trade agreement. April 28, coming up, will mark the 11-month anniversary of when the President signed CAFTA. In other words, trade agreements are always sent to Congress quickly. Within a couple of months, we vote on them.

The President has delayed CAFTA for 11 months because this simply is not an agreement that the American people want or need. As I said, other trade agreements were all done within about 2 months, but because CAFTA is so unpopular, because trade policy in this country is so wrong-headed, the President still has not asked this Congress to vote on CAFTA.

Clearly, there is dissension in the ranks for good reason. CAFTA is the dysfunctional cousin of NAFTA, the North American Free Trade Agreement, and continues a legacy of failed trade policy.

Look at NAFTA's record; NAFTA is the United States, Mexico, and Canada: One million U.S. manufacturing jobs lost to the North American Free Trade Agreement. Wages of Mexicans have stagnated. Environmental conditions, especially along the U.S.-Mexican border have worsened dramatically. And yet the U.S. continues to push for more of the same: more of the same job hemorrhaging, more of the same income-lowering trade agreements, more trade agreements that ship jobs overseas, more trade agreements that neglect environmental safety standards, more trade agreements that keep foreign workers in poverty, more trade agreements that undercut our food safety laws in our country. The only difference between CAFTA and NAFTA is the first letter.

The definition of insanity is repeating the same action over and over and over again and expecting a different result. On trade we hear the same promises over and over and over again, and

we see the same results: lost jobs, a weakened economy, lower standards of living in Mexico, bad environmental outcomes. But this Congress somehow barely in the middle of the night continues to pass these trade agreements, and we see the same bad results.

But do not take my word for it. Look at the numbers. The U.S. economy, with a \$10 trillion GDP in 2002, is 170 times bigger than the economies of the CAFTA nations, at about \$62 billion combined. It is like comparing a bowling ball that weighs 170 times a slice of bread.

CAFTA is not about robust markets for the export of American goods. It is about outsourcing. It is about access to cheap labor. We send our jobs overseas. Workers overseas get paid almost nothing, not enabling them to raise their standard of living even a bit. U.S. corporations make more money. American workers lose their jobs. It is the same old story time and time again.

Again, the combined purchasing power of the CAFTA nations is about that of Columbus, Ohio, or Orlando, Florida, or the entire State of Kansas. Trade pacts like NAFTA and CAFTA enable companies to exploit cheap labor in other countries in the developing world, then import their products back into the United States under favorable tariff terms.

American companies outsource their jobs to Guatemala, outsource their jobs to China, outsource their jobs to Mexico. It costs American workers their jobs. It does almost nothing for workers in those countries. Yet profits at Wal-Mart and GM and so many other companies continue to rise.

CAFTA will do nothing to stop the bleeding of manufacturing jobs except make it worse. It will do even less to create a strong Central American consumer market for American goods.

Throughout the developing world, workers do not share in the wealth they create. Our decades of economic success in this country show that employees share in the wealth they create for their employer. If one works at GM, they help GM create wealth; they help GM make a profit. They get some of that money back. These trade agreements in the developing world simply do not work, and when the world's poorest people can buy American products rather than just make them, then we will know our trade agreements finally are working.

Vote "no" on the Central American Free Trade Agreement.

ENERGY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we commemorate Earth Day at a time when American soldiers are in Iraq, in part as a consequence of our energy dependence. No matter what the press re-

leases say, the way this Congress is commemorating Earth Day is by recycling the energy bill.

It is replete with massive subsidies that will continue to tie us to the past. Rather than the development of true energy independence gained by working with renewables and a massive effort at energy conservation, this energy bill is a monument to Congress's inability to think comprehensively about the future. Our energy dependence and wasteful policies mean that we are desperately dependent on a volatile Middle East, especially Iraq and Saudi Arabia, as we spend a major portion of our defense budget protecting the stability in that oil-rich region.

The Pentagon is also the largest single consumer of fuel in the United States, almost 2 percent of the country's total transportation fuel. And much of this fuel use is due to highly inefficient vehicles, from an Abrams tank, weighing 68 tons, that gets only about half a mile to a gallon, to an aircraft carrier that gets 17 feet to a gallon.

The United States military now uses 1.7 million gallons of fuel a day in Iraq. The cost of this fuel can be up to \$400 a gallon depending on how it is delivered. Our military itself is clearly held hostage by the philosophy that energy efficiency does not matter. As the lines of supply are dangerously stretched with more points of vulnerability, while the flexibility and nimbleness of our troops are compromised by having to have huge amounts of gasoline close at hand. Lighter, more energy efficient vehicles are harder targets for the enemy to strike, and they can move greater distances between refueling and do not need this long chain of supply with more points of vulnerability for the vehicles and for our soldiers.

□ 1300

The situation the military faces in Iraq and other potential trouble spots demands action on an ambitious energy policy with a significant commitment to fuel conservation and renewable technologies, if only for the sake of the security of our Nation and the safety of our troops.

The skyrocketing gas prices this spring further demonstrates that we are hostage to an inadequate energy infrastructure with constrained refining capacity. The energy bill contains almost no incentives for change, as all those currently in control profit by this restricted supply, vulnerability, and volatility. As gasoline prices have increased 50 cents a gallon in a matter of weeks, every tank of gasoline is a reminder that the Republican leadership in Congress for 10 years has refused to significantly increase fuel efficiency standards, which would have meant significant money in the pocket of every American family.

The inability or unwillingness to establish a predictable window for wind energy development, by making the

production tax credit permanent means that tens of thousands of jobs and hundreds of millions of dollars in new investment are delayed, with the advances in technology and additional elements of supply are denied to the public. This is ironic, when our military is touting the contribution that wind energy is making to the security and efficiency of operations at Guantanamo.

The energy bill continues to spend too much for the wrong people to do the wrong things and shortchanging the technologies and strategies that ultimately will make a difference for the future. There is no question that America in this century will rely much more heavily on renewables and conservation. The sad note is that we are slipping behind the Chinese, who are increasing their cars' fuel efficiency standards, and further behind the European and Japanese, who are already racing ahead of us in energy efficiency.

Even in a defense-dominated, security-obsessed environment that this Congress operates in, we cannot make energy investments that will at least enhance our military to make the military and America's families more secure. We can and should do better.

FEDERAL LEGISLATION TO PROHIBIT PREDATORY LENDING

The SPEAKER pro tempore (Mr. FORTENBERRY). Pursuant to the order of the House of January 4, 2005, the gentleman from North Carolina (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, the financial condition of American working and middle-class families is a mess. Wages are stagnant, health care costs are exploding, the individual savings rate for 2004 was 1 percent, and credit card debt is more than \$800 billion.

The bright spot is that 69 percent of American families own their own home. The equity that American families build in their homes by years of faithfully paying a mortgage is the bulk of the net worth, the life savings, of most homeowners.

Homeownership is more than an investment. The deed to a home is a membership card to the middle class. Families living on the fringes of poverty can begin to get their footing when they own their own home and become part of a neighborhood where parents know their children's playmates. Financially vulnerable families are even more likely to have to borrow against the equity in their homes to provide for life's rainy days, however.

Every American homeowner faces a mountain of documents when they borrow money to buy a home or when they use their home to secure a loan. Many vulnerable homeowners borrow knowing only how much their monthly payment will be, only to learn later that they signed away a big part of their home equity, of their life savings.

There are lending practices that should offend anyone with a conscience. Let me give my colleagues one of the stories from North Carolina that prompted the North Carolina legislature, not generally seen as a hotbed of liberalism, to enact legislation to prohibit predatory lending 6 years ago.

A lender approached an elderly school employee in Durham about refinancing her home to consolidate her debts. The lender charged her \$17,542 in up-front costs on a \$99,000 loan, including a \$5,002 origination fee, a \$2,142 loan discount fee, and a \$9,089 single-payment, nonrefundable credit premium insurance. She would never have written a \$17,542 check at closing, but when she signed the closing documents, the charges came straight out of the equity she had built in her home, straight out of her life's savings.

The North Carolina law enacted in 1999 has put an end to practices like that, and without hindering honest lenders from making loans to vulnerable families that need to borrow against their home. Sub-prime credit remains readily available in North Carolina.

The gentleman from North Carolina (Mr. WATT), the gentleman from Massachusetts (Mr. FRANK), and I have introduced Federal legislation based on North Carolina's proven law.

Critics of our legislation argue that we would restrict consumer choice. Most consumers would like the choice of knowing they are not being taken advantage of; that when they borrow money against their home for a rainy day, they are not entering into a spiral that results in losing their life's savings, their home, and their membership in the middle class. That choice is not now available to many American homeowners.

We look forward to working with others in Congress and in the financial services industry. We welcome proposals from others to prohibit abuses. But we also want to make sure that Congress does not pass legislation that permits new abuses. We must make sure that the protections of any new law are not easily avoided, and we cannot handcuff the States' ability to protect consumers. Sub-prime lending is now a \$530 billion industry, and growing. Vulnerable consumers cannot afford to have to come back to Congress again and again for real protections against abusive sub-prime lending practices.

David's victory over Goliath was considered an upset, and Goliath would have been heavily favored in a best-of-seven series. If Congress passes predatory lending legislation, we need to get it right the first time. Consumers cannot count on having a second chance.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISSA) at 2 p.m.

PRAYER

The Reverend Timothy B. Johnson, pastor, the Church of the Redeemer, Bowie, Maryland, offered the following prayer:

O God, thank You for loving us. In gratitude and humility we come to You now needing only what You can give.

Forgive our pride. Forgive our sins and the things that we allow to cause division. Forgive and change us.

Bless these leaders and this great Nation and those they represent; people have given them the honor and responsibilities of leadership. May they lead with integrity and wisdom. Bless them and their families, knowing that they are often far from home and celebrations.

Thank You for this Nation and the freedoms we cherish. As we strive to bring freedom to others, protect our troops and civilians who are in danger. By Your guidance may the freedom we seek be true freedom, and may it be freedom that leads to peace.

We pray all of this in the name of Your Son, our Lord, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 289. An act to authorize an annual appropriation of \$10,000,000 for mental health courts through fiscal year 2011.

CARDINAL JOSEPH RATZINGER TO BE POPE BENEDICT XVI

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today people across the world have watched the ceremony and historical proceedings in Vatican City with anticipation and joy. Today the Catholic Church receives its 265th Pope. Cardinal Joseph Ratzinger rises to his new name, Pope Benedict XVI, and takes with him the blessings of Catholics across the world.

In a time of global unrest and terrorism, people of all faiths need to join together in prayerful contemplation of what we hope the world can become. Pope John Paul II brought the church to billions of people and Pope Benedict XVI inherits the throne of Saint Peter the Fisherman at a precarious time in world history. Our prayers are with him and for our collective salvation.

ENERGY BILL NEEDS TO PROTECT THE ENVIRONMENT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the energy bill we are about to debate this week is presented as a major step forward in American energy policy. But it is not. It is quite the opposite.

This bill does nothing to improve the environment of this country or cut down on ozone pollution exposure. This bill does not force big polluters to clean up. Rather, it provides billions of dollars in tax breaks to politically favored energy industries that do not deserve them at a time when the country can ill afford it.

Mr. Speaker, the State of Texas ranks number one among other States in per capita consumption of electricity and second in ozone pollution exposure. Last year Children's Hospital of Dallas had 4,000 emergency department visits for treatment of asthma attacks. The average age of these kids was 5 years old.

More and more, there are hospitalizations. More and more, there are deaths from the pollution that we suffer in Texas; and I will offer an amendment to try and correct it. But, Mr. Speaker, I know that probably I am in the minority, but we must clean up the environment.

REGULATION NEEDED FOR 527 ORGANIZATIONS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, tomorrow the Committee on House Administration will be holding a hearing on regulation of the so-called 527 political organizations.

We all remember the promises that campaign finance reform was supposed to remove unregulated money from the political process. Well, not only did it fail to deliver on its promise, an argument can be made that it actually is worse.

527 groups have grown in importance and influence with little or no disclosure of who funds them. According to published reports, staffers of the distinguished House minority leader acknowledge they hold weekly meetings with the leaders of MoveOn.org.

A recent fundraising e-mail sent on by MoveOn.org stated, "Now it's our party. We bought it. We own it, and we're taking it back."

Strange that a group that claims to be nonpartisan for tax purposes claims to have bought a political party. The limited disclosure required by these groups makes it nearly impossible to determine who is claiming to have bought the Democratic Party. 527 groups spent over half a billion dollars in 2004 with no regulation from the FEC.

If we truly want to enhance disclosure and remove unregulated money from the political process, we must do something about 527s.

STRIKE REFINERY REVITALIZATION PROVISIONS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the unnecessary refinery revitalization provisions in the energy bill.

The energy bill would allow unrestricted sitings of refineries in low-income and underrepresented minority communities and strips States and local municipalities of their right to protect public health.

Most refinery communities are found in low-income minority areas, and they do not have the political power to protect themselves and their families. These communities have the least ability to defend themselves from corporate pollution and are the most vulnerable to environmental and public health problems. Yet they are the very targets in this language.

I believe the bill will only worsen the present and future environmental justice problems afflicting Latinos, African Americans, and Native Americans.

Before we harm the health of the most underserved populations, strip States and communities of their right to protect themselves, we should have a real dialogue about the far reaching impacts of this language in our communities.

Today I am asking the Committee on Rules to allow me to offer an amendment to strike this language during floor debate on the energy bill. I urge my colleagues to protect the public health and States' rights and support my amendment to strike the refinery revitalization provisions.

CELEBRATING A LANDMARK ACCOMPLISHMENT FOR BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week the European Parliament made a historic decision for approval of Bulgaria to join the European Union in 2007.

As co-chair of the Congressional Bulgaria Caucus, I am please to congratulate Ambassador Elena Poptodorova, who represents Sofia in Washington so professionally.

Since the negotiations began in 2000, Bulgarians have proven they are eager to serve as active members of the European Union. They quickly took the right reforms to earn an important role in the international community. By sending over 400 troops to Iraq to rebuild the country and providing troops in Afghanistan that I have visited at Bagram, Bulgaria is also helping to win the war on terrorism.

In addition to NATO membership, Bulgaria's membership in the European Union will prove to be a landmark event in the country's history. I know Bulgaria will continue the Bulgaria miracle of economic success and military security.

In conclusion, God bless our troops and we will never forget September 11.

WE NEED THE ENERGY BILL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, energy powers the tools and the machines we need to live and our economy needs to grow; but when energy supplies are tight, families face higher prices and our economy faces a deteriorating energy infrastructure.

In recent years, this has caused home heating bills to skyrocket and force many U.S. manufacturers to slow production, lay off workers, and even go out of business.

This week, the House will debate and vote on a national energy policy. Again, if this sounds familiar, that is because we have gone through this process several times already only to have a few Senators stall this long overdue legislation.

The National Energy Policy Act of 2005 is very comprehensive. We should not let the opponents of change stop us from enacting a sensible, progressive energy policy for America. We need it and America's families need it.

HONORING CONRAD ALBERTY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize one of America's heroes,

Mr. Conrad Alberty of Rockingham County, North Carolina.

Conrad fought for our country in the Philippines during the darkest days of World War II and later bore the terrible scars of enemy captivity. He exemplified the extraordinary sacrifice made by our military for our freedom. Conrad was a prisoner of war and is one of the few living survivors of the Bataan Death March. He was just 16 years old when he endured the most inhumane treatment that man can do to man on the death march and later in an enemy prison camp.

Coincidentally, this month marks the 63rd anniversary of the surrender of U.S. troops to the Japanese on the Bataan Peninsula.

During his military service, Mr. Alberty demonstrated courage, love of country, and devotion to duty. He did not give up under the most desperate circumstances.

Today by recognizing Mr. Conrad Alberty, we also honor the role of our Armed Forces in protecting our country and our liberty. Thank you, Mr. Alberty and may on God bless you.

HENRY HYDE, NO FINER PUBLIC SERVANT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, yesterday the very distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), announced his planned retirement for the end of this Congress. I would like to say this is my 25th year that I have been honored to serve here in the Congress, and I have served with no finer public servant than the gentleman from Illinois (Mr. HYDE).

The gentleman from Illinois (Mr. HYDE) has clearly been a principled leader who has provided bold and dynamic examples for us in a wide range of areas. We all know that he was a great champion in the effort to ensure that we do not see taxpayer dollars expended on abortion-on-demand. We know the key role that he played in dealing with the challenge that we faced with impeachment. We know that in recent years he has been suffering physically.

I have got to say that the Chaplain is here in the Chamber, and I will never forget at the unveiling of the portrait of the gentleman from Illinois (Mr. HYDE) when he said that he was instructed when he became the Chaplain that he refer to everyone by their given name, except for one individual. The gentleman from Illinois to him is Mr. HYDE. And while I am privileged to call him HENRY, I will tell you that I will greatly miss him when he is not a Member of the next Congress.

REMEMBERING JOHNNIE L. COCHRAN, JR.

(Ms. WATSON asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, the public may now know Johnnie L. Cochran, Jr., as a high-profile, superbly dressed, superstar attorney with a signature smile that swayed everyone he met, including many of the multi-million dollar clients that he represented.

However, as a personal friend of Johnnie's, I saw another side. Yes, he did everything with class, style, dignity and extreme care; but in addition he was a warm, loving, caring, attentive friend and community leader.

Johnnie Cochran was a brilliant attorney whose untimely death is a loss to the world. His legal genius was compared to Justice Thurgood Marshall, his hero and his idol; Clarence Darrow; F. Lee Bailey; Professor Charles Ogletree and other legendary legal scholars.

Johnnie Cochran was an incredible human being who really cared about the plight of the poor and disadvantaged regardless of race, color, creed, or religion. Johnnie was often fond of saying, "The clients I cared about the most are the No Js, the ones who nobody knows."

Attorney Cochran truly believed in justice for all. Even after death, Johnnie's legal legacy was larger than life. His funeral last week in Los Angeles, entitled "Johnnie's Journey To Justice," was a celebration of his incredible life.

The A-list of celebrity clients were among more than 5,000 admirers saying good-bye to their hero who fought for civil rights, police reform, and basic human rights for everyone.

The Reverend William Epps, Johnnie's home pastor of the historic Second Baptist Church of Los Angeles, the first church that Martin Luther King spoke in when he came to Los Angeles, and Reverend Calvin Butts of Abyssinia Baptist Church, Harlem, New York, presided over this joyful funeral service, which was held in the great West Angeles Cathedral in my district.

I would say that Johnnie led a very important life for a lot of people, and we will remember him always for bringing justice to not only the poor but middle class and wealthy. May God bless his soul.

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ILLEGAL IMMIGRATION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, at the base of the Statue of Liberty is a poem that reads: "Give me your tired, your poor, your huddled masses yearning to breathe free." Understood in this fundamental principle is that our Nation would welcome anyone in an orderly and a legal process.

Yet, on a daily basis thousands of illegal aliens cross our border, encouraged by the Mexican Government,

which provides a copy of the Mexican Migrant Guide, full of tips on how to blend into our society and receive benefits once they get here.

The illegal alien population is, admittedly, 11 million in the United States, with the actual number probably closer to 20 million. The problems are no longer confined to border States with nearly 250,000 illegal aliens now calling Georgia home, placing my home State in the top 10 with illegal populations.

Nearly every public service, from our schools to our hospitals, are suffering financially caring for illegal aliens.

Mr. Speaker, Americans recognize the economic and national security concerns posed by this increasing problem. It is time we take action and secure our Nation's borders, responsibly solve this national emergency and hold neighbor nations accountable for their actions.

DRILLING IN ANWR

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we are going to vote this week on an energy bill in the House. Energy independence should be a goal for this Congress. Worldwide demand for petroleum has increased during the last decade. The growth in production has been relatively flat.

The inevitable result is higher prices at the gasoline pump. The reality is that it takes time to go from the oil patch to the gas station, and we have lost considerable time in that regard.

In 1995, in the 104th Congress, H.R. 2491 would have allowed oil exploration in the Alaska National Wildlife Refuge. The Department of Energy has estimated that between 1- and 1.3 million barrels of oil a day could be derived from this source.

Unfortunately, this legislation was vetoed by then-President Clinton. That was 10 years ago, and given a timeline of 7 to 14 years for building the pipeline structure, it is time that we could scarcely afford.

Mr. Speaker, I have been to ANWR. The vast coastal plain is unsuitable for habitation during the summer months because of its marshy consistency. Any caribou unlikely enough to calve in this region would likely die from exsanguination at the hands of the mosquitoes there.

The people in ANWR, the people of Kaktovik, Alaska, are counting on this Congress to do the right thing and allow them, the rightful owners, to begin developing the resources as was granted them upon statehood in 1959.

As we say in Texas, "time's a'wasting."

SPENCER, IOWA: THE NUMBER ONE PLACE TO LIVE IN AMERICA

(Mr. KING of Iowa asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, this is a mission of joy for me. On the floor of this Congress, I am pleased to recognize the city of Spencer, Iowa, as the number one place to live in America.

This is not surprising to the folks in western Iowa. America is now aware of what we have known for a long time. Spencer is not just a great town to raise a family; it is an excellent place to live. Tucked away in fields as far as the eye can see, Spencer is a town full of services, recreation, culture, entertainment and wonderful people.

I just celebrated with the people of Spencer the opening of my office on Grand Avenue.

Large enough to offer many of the services of a larger city and still small enough that people know and trust their neighbors, it is the kind of trusting place where people leave their doors open and the keys in their cars when parked outside the coffee shop.

In this town, if you were to walk into the Sisters Cafe or Carroll's Bakery on any given morning, you would see the citizens of Spencer making time for each other. It is the kind of place where you know your neighbors and strangers are just friends you have not met yet.

Congratulations, Spencer, Iowa. You are number one.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SENSE OF CONGRESS REGARDING ISSUANCE OF 500,000TH DESIGN PATENT BY UNITED STATES PATENT AND TRADEMARK OFFICE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 53) expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office.

The Clerk read as follows:

H. CON. RES. 53

Whereas the United States is the world leader in innovation and ingenuity;

Whereas the United States Patent and Trademark Office has protected and encouraged that innovation through the issuance of patents; and

Whereas on December 21, 2004, the United States Patent and Trademark Office awarded the 500,000th design patent to DaimlerChrysler Corporation for the design of the Chrysler Crossfire: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States Patent and Trademark Office has contributed significantly to the Nation's economy; and

(2) DaimlerChrysler Corporation and its employees should be commended for their achievement in receiving the 500,000th design patent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 53, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution commends the U.S. Patent and Trademark Office for its contribution to the Nation's economy and the DaimlerChrysler Corporation and its employees for their achievement in receiving the 500,000th design patent issued by the Patent and Trademark Office.

Mr. Speaker, we all recognize the important role that innovation and invention have played in our Nation's history and economy. We also know that by ensuring protection for our ideas, we provide significant incentive for inventors to continue to come up with new concepts that improve our lives, whether it is a machine that raises productivity or a pharmaceutical drug that cures a life-threatening disease. The efforts of the PTO in aiding such accomplishments are certainly noteworthy.

I commend the gentleman from Michigan (Mr. CONYERS), the Motor City, for introducing this resolution and congratulate DaimlerChrysler as the recipient of this landmark number patent. I urge the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I begin by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, and as well the committee leaders, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Mr. BERMAN), for moving this measure swiftly through the Committee on the Judiciary.

On December 21 of last year, the United States Patent and Trademark

Office issued its 500,000th design patent to the DaimlerChrysler Corporation for the design of the popular Chrysler Crossfire. House Concurrent Resolution 53, before us now, expresses the sense of Congress that the Patent and Trademark Office has contributed significantly to the Nation's economy and to the reputation in the United States that we enjoy worldwide for our technological innovation and ingenuity.

This is a very distinguished commendation, and I am very proud of the Patent and Trademark Office, which has helped us in protecting and preserving intellectual property.

As a senior member of the Committee on the Judiciary, I am well aware of the importance of intellectual property protection and what it means to our economy. Intellectual property rewards and encourages innovation and advancement. Without it, we would not have the high-tech, biotech and everyday numerous inventions that we have come to rely upon in everyday life, and that we have permitted to be exported to all the concerns of the planet.

I am also proud of this patent because I happen to represent the automobile capital of the world still. It is no secret that Michigan boasts the finest automobile workers in the world, and it should be no surprise that it is the design of an American car that has received this award.

So for these reasons and others, I am so proud of my colleagues who have joined me in this presentation, the gentleman from Michigan (Mr. STUPAK); the gentleman from Michigan (Mr. DINGELL), the dean of the Congress; the gentleman from Michigan (Mr. ROGERS); the gentleman from Michigan (Mr. KILDEE); the gentleman from Michigan (Mr. MCCOTTER); and the gentleman from Michigan (Mr. SCHWARZ), all. It is a proud moment for us, and we are glad to be honored.

On a more personal note, my father was a worker and union organizer for the United Automobile Workers for Chrysler, Local 7. It was the first company, Chrysler, to be brought into collective bargaining, and so I urge that the Members favorably consider House Concurrent Resolution 53.

Mr. WU. Mr. Speaker, I rise to strongly support H. Con. Res. 53, a resolution expressing the sense of Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office.

For over 200 years, the basic role of the United States Patent and Trademark Office, USPTO, has been to promote the progress of science and the useful arts by securing for limited times to inventors the exclusive right to their respective discoveries. Under this system of protection, American industry has flourished. New products have been invented, new uses for old ones discovered, and employment opportunities created for millions of Americans. The strength and vitality of the U.S. economy depends directly on effective mechanisms that protect new ideas and investments in innovation and creativity. The continued demand for patents and trademarks underscores the ingenuity of American inventors and entre-

preneurs. The USPTO is indeed at the cutting edge of America's technological progress and achievement.

As many of you may know, on December 21, 2004, the USPTO reached an important milestone and awarded the 500,000th design patent to DaimlerChrysler Corporation for the design of the Chrysler Crossfire. I would like to congratulate the USPTO and its employees for being at the core of our nation's creative forces. It is with their commitment to excellence our Nation moved from a young Nation to the world economic power that it is today.

As the Ranking Member on the House Science Subcommittee on Environment, Science and Standards and a former technology lawyer, I profoundly value the work of the USPTO, and urge my colleagues for their support for this important institution. As the 109th Congress moves to take up our FY06 appropriations bills, I look forward to working on ensuring a strong funding level for the USPTO.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers. If the gentleman will yield back, we can vote and pass this resolution.

Mr. CONYERS. Mr. Speaker, I yield back my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 53.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 167) to provide for the protection of intellectual property rights, and for other purposes.

The Clerk read as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Entertainment and Copyright Act of 2005".

TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Artists' Rights and Theft Prevention Act of 2005" or the "ART Act".

SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

"§ 2319B. Unauthorized recording of Motion pictures in a Motion picture exhibition facility

"(a) OFFENSE.—Any person who, without the authorization of the copyright owner,

knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

“(1) be imprisoned for not more than 3 years, fined under this title, or both; or

“(2) if the offense is a second or subsequent offense, be imprisoned for not more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

“(b) **FORFEITURE AND DESTRUCTION.**—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

“(c) **AUTHORIZED ACTIVITIES.**—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or by a person acting under a contract with the United States, a State, or a political subdivision of a State.

“(d) **IMMUNITY FOR THEATERS.**—With reasonable cause, the owner or lessee of a motion picture exhibition facility where a motion picture or other audiovisual work is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture or other audiovisual work being exhibited, or the agent or employee of such licensor—

“(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section with respect to that motion picture or audiovisual work for the purpose of questioning or summoning a law enforcement officer; and

“(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

“(e) **VICTIM IMPACT STATEMENT.**—

“(1) **IN GENERAL.**—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

“(2) **CONTENTS.**—A victim impact statement submitted under this subsection shall include—

“(A) producers and sellers of legitimate works affected by conduct involved in the offense;

“(B) holders of intellectual property rights in the works described in subparagraph (A); and

“(C) the legal representatives of such producers, sellers, and holders.

“(f) **STATE LAW NOT PREEMPTED.**—Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

“(g) **DEFINITIONS.**—In this section, the following definitions shall apply:

“(1) **TITLE 17 DEFINITIONS.**—The terms ‘audiovisual work’, ‘copy’, ‘copyright owner’, ‘motion picture’, ‘motion picture exhibition

facility’, and ‘transmit’ have, respectively, the meanings given those terms in section 101 of title 17.

“(2) **AUDIOVISUAL RECORDING DEVICE.**—The term ‘audiovisual recording device’ means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

“2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.”.

(c) **DEFINITION.**—Section 101 of title 17, United States Code, is amended by inserting after the definition of “Motion pictures” the following: “The term ‘motion picture exhibition facility’ means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.”.

SEC. 103. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) **PROHIBITED ACTS.**—Section 506(a) of title 17, United States Code, is amended to read as follows:

“(a) **CRIMINAL INFRINGEMENT.**—

“(1) **IN GENERAL.**—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

“(A) for purposes of commercial advantage or private financial gain;

“(B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000; or

“(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

“(2) **EVIDENCE.**—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

“(3) **DEFINITION.**—In this subsection, the term ‘work being prepared for commercial distribution’ means—

“(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized distribution—

“(i) the copyright owner has a reasonable expectation of commercial distribution; and

“(ii) the copies or phonorecords of the work have not been commercially distributed; or

“(B) a motion picture, if, at the time of unauthorized distribution, the motion picture—

“(i) has been made available for viewing in a motion picture exhibition facility; and

“(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.”.

(b) **CRIMINAL PENALTIES.**—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Whoever” and inserting “Any person who”; and

(B) by striking “and (c) of this section” and inserting “, (c), and (d)”; and

(2) in subsection (b), by striking “section 506(a)(1)” and inserting “section 506(a)(1)(A)”; and

(3) in subsection (c), by striking “section 506(a)(2) of title 17, United States Code” and inserting “section 506(a)(1)(B) of title 17”; and

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

“(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

“(1) shall be imprisoned not more than 3 years, fined under this title, or both;

“(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

“(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

“(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2).”; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the term ‘financial gain’ has the meaning given the term in section 101 of title 17; and

“(4) the term ‘work being prepared for commercial distribution’ has the meaning given the term in section 506(a) of title 17.”.

SEC. 104. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) **PREREGISTRATION.**—Section 408 of title 17, United States Code, is amended by adding at the end the following:

“(f) **PREREGISTRATION OF WORKS BEING PREPARED FOR COMMERCIAL DISTRIBUTION.**—

“(1) **RULEMAKING.**—Not later than 180 days after the date of enactment of this subsection, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

“(2) **CLASS OF WORKS.**—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

“(3) **APPLICATION FOR REGISTRATION.**—Not later than 3 months after the first publication of a work preregistered under this subsection, the applicant shall submit to the Copyright Office—

“(A) an application for registration of the work;

“(B) a deposit; and

“(C) the applicable fee.

“(4) **EFFECT OF UNTIMELY APPLICATION.**—An action under this chapter for infringement of a work preregistered under this subsection, in a case in which the infringement commenced no later than 2 months after the first publication of the work, shall be dismissed if the items described in paragraph (3) are not submitted to the Copyright Office in proper form within the earlier of—

“(A) 3 months after the first publication of the work; or

“(B) 1 month after the copyright owner has learned of the infringement.”.

(b) **INFRINGEMENT ACTIONS.**—Section 411(a) of title 17, United States Code, is amended by inserting “preregistration or” after “shall be instituted until”.

(c) EXCLUSION.—Section 412 of title 17, United States Code, is amended by inserting after “section 106A(a)” the following: “, an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement and that has an effective date of registration not later than the earlier of 3 months after the first publication of the work or 1 month after the copyright owner has learned of the infringement.”.

SEC. 105. FEDERAL SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this section, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of “uploading” set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who, without authorization, broadly distribute copyrighted works over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyrighted material has been reproduced or distributed.

TITLE II—EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES

SEC. 201. SHORT TITLE.

This title may be cited as the “Family Movie Act of 2005”.

SEC. 202. EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES.

(a) IN GENERAL.—Section 110 of title 17, United States Code, is amended—

(1) in paragraph (9), by striking “and” after the semicolon at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”;

(3) by inserting after paragraph (10) the following:

“(11) the making imperceptible, by or at the direction of a member of a private house-

hold, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed to be used, at the direction of a member of a private household, for such making imperceptible, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology.”; and

(4) by adding at the end the following:

“For purposes of paragraph (11), the term ‘making imperceptible’ does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture.

“Nothing in paragraph (11) shall be construed to imply further rights under section 106 of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section.”.

(b) EXEMPTION FROM TRADEMARK INFRINGEMENT.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

“(3)(A) Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of such conduct for a violation of any right under this Act. This subparagraph does not preclude liability, nor shall it be construed to restrict the defenses or limitations on rights granted under this Act, of a person for conduct not described in paragraph (11) of section 110 of title 17, United States Code, even if that person also engages in conduct described in paragraph (11) of section 110 of such title.

“(B) A manufacturer, licensee, or licensor of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible as described in subparagraph (A) is not liable on account of such manufacture or license for a violation of any right under this Act, if such manufacturer, licensee, or licensor ensures that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

“(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2005.

“(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference that any such party that engages in conduct described in paragraph (11) of section 110 of title 17, United States Code, is liable for trademark infringement by reason of such conduct.”.

(c) DEFINITION.—In this section, the term “Trademark Act of 1946” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the “National Film Preservation Act of 2005”.

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking “film copy” each place that term appears and inserting “film or other approved copy”; and

(B) by striking “film copies” each place that term appears and inserting “film or other approved copies”; and

(C) in the third sentence, by striking “copyrighted” and inserting “copyrighted, mass distributed, broadcast, or published”; and

(2) by adding at the end the following:

“(c) COORDINATION OF PROGRAM WITH OTHER COLLECTION, PRESERVATION, AND ACCESSIBILITY ACTIVITIES.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

“(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

“(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

“(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.”.

(b) NATIONAL FILM PRESERVATION BOARD.—Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking “20” and inserting “22”;

(2) in subsection (a) (2) by striking “three” and inserting “5”;

(3) in subsection (d) by striking “11” and inserting “12”; and

(4) by striking subsection (e) and inserting the following:

“(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.”.

(c) NATIONAL FILM REGISTRY.—Section 106 of the National Film Preservation Act of 1996 (2 U.S.C. 179p) is amended by adding at the end the following:

“(e) NATIONAL AUDIO-VISUAL CONSERVATION CENTER.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

“(1) title 17, United States Code; and

“(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.”.

(d) **USE OF SEAL.**—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q(a)) is amended—

(1) in paragraph (1), by inserting “in any format” after “or any copy”; and

(2) in paragraph (2), by striking “or film copy” and inserting “in any format”.

(e) **EFFECTIVE DATE.**—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking “7” and inserting “13”.

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the “National Film Preservation Foundation Reauthorization Act of 2005”.

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) **BOARD OF DIRECTORS.**—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking “nine” and inserting “12”; and

(2) in subsection (b)(4), by striking the second sentence and inserting “There shall be no limit to the number of terms to which any individual may be appointed.”.

(b) **POWERS.**—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking “District of Columbia” and inserting “the jurisdiction in which the principal office of the corporation is located”.

(c) **PRINCIPAL OFFICE.**—Section 151706 of title 36, United States Code, is amended by inserting “, or another place as determined by the board of directors” after “District of Columbia”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

“(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed \$530,000 for each of the fiscal years 2005 through 2009. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

“(b) **LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.**—Amounts authorized under this section may not be used by the corporation for management and general or fund-raising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.”.

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the “Preservation of Orphan Works Act”.

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking “(b) and (c)” and inserting “(b), (c), and (h)”.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. **SENSENBRENNER**) and the gentleman from California (Mr. **BERMAN**) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. **SENSENBRENNER**).

GENERAL LEAVE

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

within which to revise and extend their remarks and include extraneous material on S. 167, currently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **SENSENBRENNER**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 167 includes several intellectual property-related measures that were considered during the previous Congress, but were unable to be acted on by both Houses prior to adjournment.

Notably, this legislation addresses the growing desire of parents to be able to control what their children see in the privacy of their own homes. One component of this legislation, the Family Movie Act, clarifies that existing copyright and trademark law cannot be used to prevent a parent from utilizing available technology to skip over portions of a movie they may find objectionable.

The legislation also addresses the rampant piracy problem facing our Nation's creative community. New technologies have made theft and duplication of copyrighted works easier than ever before. The number of pirated films continues to increase, causing severe harm to the bottom line of our Nation's copyright holders. Additionally, the theft, duplication and mass distribution of copyrighted works represents a drain on our economy, shrinking the global demand for legitimately acquired works.

By setting forth Federal criminal penalties, this legislation addresses the serious problem of individuals using camcorders to record recently released movies that are then copied and sold on the black market. Additionally, this legislation establishes criminal penalties for the distribution of a copyrighted computer program, musical work or motion picture by making it available on a computer network accessible to members of the public if the person knew, or should have known, that the work was a copyrighted work intended for commercial distribution.

Finally, this legislation reauthorizes the Film Preservation Board at the Library of Congress and corrects a technical error in the Sonny Bono Copyright Term Extension Act that had the unintended effect of limiting the ability of libraries and archives to access older copyrighted works.

Mr. Speaker, I urge the Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. **BERMAN**. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in support of S. 167, and I ask my colleagues to join me in voting to pass this worthy legislation.

Prior to reporting S. 167 by voice vote last month, the Committee on the Judiciary gave the bill all due delibera-

tion. The provisions in this bill and its precursor, H.R. 4077, which passed the House last year, were the subject of multiple subcommittee hearings and markups.

Through the extensive consideration given on the provisions of S. 167, the Committee on the Judiciary has agreed to a bill that makes important contributions to the fight against the proliferation of pirated copyrighted works and that encourages the preservation and protection of creative content.

□ 1430

In addition to providing us with entertainment and education in the form of movies, sound recordings, software, books, computer games and other products, the core copyright industries account for over 6 percent of U.S. gross domestic product. Businesses that rely on copyright employ more than 11 million U.S. workers. Robust protection for creativity supports everyone from the most famous artist to the completely unknown set designer.

Unfortunately, copyright piracy has become a grave threat to the livelihoods of all copyright creators. We live in an environment where consumers want their choice of entertainment to be available at any time, in any place, in any format. While copyright owners are excited by the new opportunities to allow greater access to their works, they must battle with those that give away their products for free.

Pirates have taken over the ship of distribution and now provide users with sound recordings before they are released, copies of movies for \$1 on the street, and pirated computer software as part of the sale of computers. Without adequate copyright protection, the developers and creators of new and original works have no protection from the rampant theft of their work that goes on every day. While not a magic bullet, S. 167 will play a valuable role in addressing the piracy problem. Last year's bill provided more expansive protection. However, S. 167 contains important disincentives to the making of unauthorized use of a copyrighted work. It isolates a number of areas necessary to preserve the integrity of the works.

It has become clear that pirates are most harmful when a creator delivers a new or highly anticipated product. Title I of S. 167 is designed to prevent the pirates from obtaining an initial copy of a motion picture through camcording or distributing by computer network a work being prepared for commercial distribution. Section 102 clarifies that it is a felony to surreptitiously record a movie in a theater. This section deals with the growing phenomenon of copyright thieves who use portable digital video recorders to record movies of theater screens during public exhibitions. Organized piracy rings then distribute copies of these surreptitious recordings both online and on the streets.

This section also provides immunity for a movie theater owner who detains

a person who is camcording the movie. It also allows those affected by the crime to file a victim impact statement to illustrate the loss accrued by the piracy. This, hopefully, will deter those who contribute to the ease with which pirated material is obtained.

Even more detrimental to copyright owners than camcording a movie in the theaters is the effect of distributing an unauthorized copy of a movie or sound recording as it is prepared for commercial distribution. Distributing a film before final edits are made can undermine artistic integrity and can also harm the film's commercial prospects because the release is typically coordinated with a marketing effort. Sections 103 and 104 provide for enhanced penalties for prerelease of a work being prepared for commercial distribution. Furthermore, it requires the Copyright Office to establish rules for preregistration of works. We need to address the problems generated when new works are leaked and pirated before they are made available for sale, the prerelease problem.

For example, today, any basement can become a top-of-the-line recording studio, so the law and Copyright Office regulations must reflect the realities of the fast-paced creative entertainment businesses. Unauthorized prereleases are unfair to an artist because his or her song is circulating even before it is in its final form. Just as we edit letters and speeches, we must allow songwriters to tweak and refine their works. They deserve to have the tools to penalize those who thrive on the ability to leak a song or CD before it is available in stores or other legitimate avenues of commerce.

This bill also addresses consumer concerns related to preserving content in orphan works, those works not available in the marketplace at a reasonable price. In section 402 of the bill, we have amended the Copyright Act to enable libraries and archives to reproduce, distribute, perform, and display all orphan works in the course of their preservation, scholarly and research activities.

Furthermore, sections 302 and 312 ensure that the National Film Preservation Board and the National Film Preservation Foundation are reauthorized. These groups help maintain our history of film, which helps foster the creative process.

Title III of S. 167 did generate some concern during the hearings held by the Committee on the Judiciary because it resolves a legal question at the heart of a pending Federal litigation. The Family Movie Act inappropriately intervenes in this pending legislation, shields one specific company from liability for altering the viewed performance.

Directors should have the ability to control the content they create. Although I personally oppose this section, I, like many Members of the Committee on the Judiciary, believe that the bulk of the anti-piracy provisions

contained in S. 167 are essential and therefore support the bill as a whole.

The provisions included in S. 167 are derived from a more expansive bill passed by the House last year, H.R. 4077, which contained multiple sections designed to give additional resources statutory authority and incentives to law enforcement authorities to make them productive participants in the anti-piracy battle.

There were also several provisions addressing the problem of copyright infringing files being illegally offered for distribution through peer-to-peer file-swapping networks. I urge the committee and my colleagues to include these provisions in future legislation.

It is worth noting that, while not universally embraced, S. 167 has gained widespread consensus support. Groups as diverse as the Video Software Dealers Association, the American Association of Law Libraries, and the American Medical Association have written in support. On balance, S. 167 is an important advancement in the ongoing effort to battle copyright piracy, and I encourage my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first of all I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, this legislation contains four main components: first, the Family Movie Act, which I first introduced in the last Congress, will enable parents to skip over or mute the sex, violence, and profanity in movies they find objectionable for their children.

Second, the Art Act will create new penalties for those who camcord movies in public theaters and who willfully infringe copyright law by distributing copies of prerelease works, movies or otherwise, online.

Third, a reauthorization of the Film Preservation Board will protect older works that would otherwise deteriorate.

Finally, a technical fix to the Sonny Bono Copyright Term Extension Act will ensure that libraries and archives have continued access to works during the last 20 years of a copyright term.

As for the Family Movie Act, it lets parents decide for themselves what their children see and hear on television. These days, I do not think anyone would even consider buying a DVD player that does not come with a remote control; yet there are some who would deny parents the right to use the equivalent electronic device that would protect their children from sex, violence, and profanity in movies watched at home.

Raising children may be the toughest job in the world. Parents need all the help they can get, and they should be

able to determine what their children see on the screen. Yes, we parents might mute dialogue that others deem crucial, or we might fast forward over scenes that others consider essential, but that is irrelevant. Parents should be able to mute or skip over anything they want if they feel it is in the best interest of their children.

Just as the author of a book should not be able to force someone to read that book in any particular manner or order, a studio or director should not be able to force our children to watch a movie in a particular way. No one can argue with a straight face it should be against the law to skip over a few pages or even entire chapters of a book. So, too, it should not be illegal to skip over a few words or scenes in a movie. The Family Movie Act ensures that parents have such rights.

In fact, the Registrar of Copyrights testified that such actions by parents are not in violation of existing copyright law. But needless litigation continues on this issue. It is time for the rights of parents not to be tied up in the courts any longer.

Turning to other provisions within this bill, millions of pirated movies, music, software, games, and other copyrighted files are now available for a free download by certain peer-to-peer networks. Many of these files are the latest movies, music, software, and games that have yet to be released to the public in legal copies. Title I of the legislation focuses on these prereleased copies of works that are distributed on computer networks before they are available in legal copies to the public.

Such activity is clearly wrong; yet existing law does not create a penalty targeted at this activity. Title I creates a minimum penalty of 3 years in jail for those who undertake such activity. Combined with the camcording provisions in title I, this legislation will impose new and significant penalties on organized groups that camcord movies on the first day of their release and then distribute pirated DVDs the following day on streets worldwide.

Title III of the legislation reauthorizes the Film Preservation Board at the Library of Congress. Title IV corrects a technical error in the Sonny Bono Copyright Term Extension Act that had the result of limiting library and archive access to older works.

Mr. Speaker, this legislation represents a combination of important public policy objectives. I encourage my colleagues to support the measure and send it to the President's desk for his signature.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 5 minutes to my colleague, the gentlewoman from California (Ms. WATSON), the founder and chair of the Congressional Entertainment Caucus, and a very diligent fighter for the protection of intellectual property and the vibrancy of an industry very important to our area and to the country.

Ms. WATSON. Mr. Speaker, I rise in support of S. 167, the Family Entertainment and Copyright Act of 2005, which strengthens our Nation's intellectual property rights system and further protects and rewards our Nation's artists for their creative products.

I supported this bill during the last Congress, and I look forward to seeing its eventual enactment in the coming weeks. This bill closes several significant gaps in our copyright laws that have contributed to the epidemic of digital piracy today. It outlaws camcording of movies off of theater screens by making it a Federal crime. It also empowers judges to impose up to 5-year prison terms for persons convicted of distributing copyrighted songs and movies on file-sharing networks for financial gain. I believe these provisions create crucial tools to combat the theft and redistribution of valuable intellectual property.

With our movie industry losing about \$3 billion to piracy every year, it is time that Congress demonstrates its support for our Nation's creators and artists by strengthening protection of copyrighted products. In addition, the bill strengthens our Nation's film heritage by reauthorizing the National Film Preservation Board and the National Film Preservation Foundation that have worked successfully to preserve historically or culturally significant films. Their fine work will ensure our collective artistic heritage will be preserved for generations to come.

Finally, I want to point out that despite my overall support for the bill, I disagree with title II of the legislation, which shields companies that make movie-filtering systems from liability for copyrighting infringements. The intent of the movie-filtering technology is to sanitize movies to protect children. While I support a family-friendly entertainment, I believe this method is not only a violation of film makers' copyright protections but also an infringement of their artistic vision.

Just yesterday, the Washington Post reported that companies sanitizing films removed 24 minutes from the part of the movie "Saving Private Ryan" depicting the landing at Omaha Beach on D-Day and eliminated racial epithets uttered by police officials against African American boxer Rubin Carter in "The Hurricane." Both are central to the themes of the movies. Such editing may be done in the name of protecting children, but often reflect our political or ideological biases of the censors. I want to make it clear that my general support of the bill is no way an endorsement of film sanitization.

Mr. Speaker, I urge my colleagues to support S. 167, and it is my hope that we will keep the dialogue open regarding the ever-changing landscape of technology, censorship, and creativity in our country.

□ 1445

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of S. 167. I commend the gentleman from Texas (Mr. SMITH) for introducing the House counterpart of this legislation, and I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from California (Mr. BERMAN) for their continued diligence in bringing this legislation to the floor.

Mr. Speaker, included in Title II of this legislation is the Family Movie Act of 2005. This title clarifies the Copyright Act so families, in the privacy of their homes, can use technology that allows them to skip or mute objectionable content in legally purchased or rented DVDs. Parents should have the right to watch any movie they want and to skip over or mute any content they find objectionable. This legislation will allow parents to have the final say in what their children watch in the privacy of their homes, and parents should have the option to protect their children from the sex, violence, profanity and other objectionable material found in movies that are produced in Hollywood these days.

This legislation allows them to do so by clarifying the exemption in the copyright infringement law allowing people to skip, mute or avoid scenes on DVDs. This legislation does not allow for the modifying of the underlying content of the movie, it merely allows fast forwarding or muting portions of the movie or sound track.

Thanks to this legislation, parents can control the content their children view without having to hold a finger on the remote control and anticipate scenes they might find objectionable.

Mr. Speaker, technology that helps parents accomplish this goal should be applauded. S. 167 will allow for technology innovation to flourish without having to face continued legal challenges. This bill is an ideal solution that can be used by families in the home, and does not require limits to be placed on content the studios develop.

I support this legislation. I urge the support of my colleagues.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, my better judgment notwithstanding, the arguments on this one aspect of the bill on which the majority and I disagree requires me to make just a couple of points.

There is no one who thinks parents do not have and should not have the right to skip over, pass up or omit scenes of any video production they think are inappropriate for their children to see. No one debates that. No one debates they have the right to do that.

What some of us do debate is the right of a commercial enterprise to peddle a technology which fundamentally alters the creator's work any

more than some publisher has the right to take an unabridged version of a book that is under copyright, in order to excerpt and take out objectionable patches of that book, and then make a commercial profit without the permission of the copyright owner in peddling that book. That is the issue underlying our opposition to the Family Movie Act.

Parents should have all of these rights, including the right to just say "no" to their kids watching a movie or reading a book that is not appropriate. There is no dispute about that. This is a dispute about a particular type of technology that this bill seeks to immunize from liability for employing some young people to decide what someone else should see and not see. But I will not get myself too worked up about a bill that I plan to actively support.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation with reservations about one part. At the outset, I strongly support efforts to make it more difficult to steal content and to encourage preservation of historic content.

As I have said before, the content industries are a boon to our economy, providing this country's number one export. Their products, which include music, movies, books, and software, survive on the protection given by copyright law. Without protection from rampant copying and other infringement, creators would have no reason to keep creating and investing in new content.

The success of copyrighted content, however is also its Achilles' Heel. People now camcord movies in theaters to sell online or in DVD format. They obtain pre-release copies of content and sell it online. Of course, this is illegal because it is done without the permission of the content owners and without payment to them. This bill clarifies that these two acts are illegal even if technology makes it easy and fast and cheap. While I believe we should do more to stop piracy, S. 167 is a step in the right direction.

Having said that, I would like to clarify one issue. The civil enforcement said of the pre-release provision imposes a statute of limitations on certain copyright lawsuits. Because it imposes the limit only for infringements that occur no more than two months after pre-registered content is first distributed, it is clear that the bill does not impose any time limit on filing lawsuits for infringements that occur more than two months after distribution.

The bill also contains two provisions that will encourage the preservation of historically-significant content. First, it reauthorizes the National Film Preservation Board and National Film Preservation Foundation, which review initiatives to ensure the preservation of valued films and issue grants to libraries and other institutions that can save films from degradation. The Directors Guild of America and the Academy of Motion Picture Arts and Sciences have applauded these efforts. The program expired in 2003, so S. 167 extends it until 2009.

The second preservation piece, the "Preservation of Orphan Works Act," will empower libraries and archives to make additional copies of musical works, movies, and other content.

My one objection to S. 167, however, is with the "Family Movie Act," which would allow private companies to sell movie editing software

without permission from the filmmakers. This was proposed in response to a lawsuit between one company and filmmakers. From our consideration of this provision last year, we know this section inserts Congress into a private dispute and will take away the copyrights and artistic rights of filmmakers to the financial benefit of one private company. It is important to note that the bill does not immunize those who make fixed copies of edited content; such copies would still be illegal, as they are today, and the legislative history should reflect that.

I urge my colleagues to vote "yes" on this legislation.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 167.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MULTIDISTRICT LITIGATION RESTORATION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1038) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes.

The Clerk read as follows:

H.R. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multidistrict Litigation Restoration Act of 2005".

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting "or ordered transferred to the transferee or other district under subsection (i)" after "terminated"; and

(2) by adding at the end the following new subsection:

"(i)(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

"(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages."

SEC. 3. TECHNICAL AMENDMENT TO MULTIPARTY, MULTIFORM TRIAL JURISDICTION ACT OF 2002.

Section 1407 of title 28, United States Code, as amended by section 2 of this Act, is fur-

ther amended by adding at the end the following:

"(j)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1369 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

"(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

"(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

"(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

"(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum."

SEC. 4. EFFECTIVE DATE.

(a) SECTION 2.—The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

(b) SECTION 3.—The amendment made by section 3 shall be effective as if enacted in section 11020(b) of the Multiparty, Multiforum Trial Jurisdiction Act of 2002 (Public Law 107-273; 116 Stat. 1826 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1038, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SENSENBRENNER. Mr. Speaker, H.R. 1038, the Multidistrict Litigation Restoration Act of 2005, reverses the effect of a 1998 Supreme Court case commonly referred to as "Lexecon," which has hampered the Federal court system from adjudicating complex, multidistrict cases that are related by a common fact situation. Just as importantly, the bill functions as a technical correction to a related "disaster litigation" provision that was incorporated in the Department of Justice Authorization Act, which Congress passed in 2002.

A little background is in order at this point. During the 107th Congress, I authored legislation to address the Lexecon and disaster litigation problems. As passed under suspension by the House, my bill, H.R. 860, accomplished two goals: First, the bill reversed the effect of the Lexecon case which dealt with the authority of a specially designated U.S. district court to handle complex multidistrict cases consolidated for trial. Pursuant to the decision, the court known as the "transferee" court could retain Federal and State cases only for pretrial matters, but not the actual trials themselves.

H.R. 860 simply codified existing practice of the preceding 30 years by allowing the transferee court to retain jurisdiction for the purpose of determining liability and punitive damages, or to refer the cases back to those courts in which the cases were originally filed. This feature streamlines adjudication and enables the transferee court to induce the parties to settle.

Second, H.R. 860 conferred original jurisdiction on U.S. district courts to adjudicate any civil action arising out of a single accident under prescribed conditions, but would remand the case to the State courts for determination of compensatory damages. This portion of H.R. 860 is commonly referred to as the "disaster litigation" part of the bill.

The Committee on the Judiciary in the other body took no action on H.R. 860, but the matter was resurrected during House-Senate conference deliberations on the Department of Justice authorization bill. Pursuant to negotiations, the conferees agreed to take half of H.R. 860, the disaster litigation portion, which is currently codified as section 1369 of title 28 of the U.S. Code.

Trying to enact a straight Lexecon fix through the bill before us is meritorious in its own right, promoting as it does judicial efficiency, but there is another problem that the bill solves. The currently codified disaster litigation portion of H.R. 860 contemplates that the Lexecon problem is solved. In other words, the new disaster litigation law only creates original jurisdiction for a U.S. district court to accept those cases and qualify as a transferee court

under the multidistrict litigation statute; but the transferee court still cannot retain the consolidated cases for determination of liability and punitive damages, which compromises the operation of the statute.

In this sense, then, the Lexecon fix, its freestanding merits aside, also functions as a technical correction for the recently enacted disaster litigation measure. H.R. 1038, in tandem with the now-codified disaster litigation provisions, will produce what was originally intended when legislation addressing this issue was first proposed, a fix to the Lexecon problem and a disaster litigation measure that really works.

I remind Members that H.R. 1038 is identical to H.R. 1768 from the 108th Congress, which passed the House by a rollcall vote of 418-0. In sum, this legislation speaks to process, fairness and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators.

Mr. Speaker, I include for the RECORD a letter from the U.S. Judicial Conference stating their strong support for enactment of H.R. 1038. I urge my colleagues to join me in a bipartisan effort to support this bill.

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, April 18, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Judicial Conference of the United States strongly supports enactment of H.R. 1038, the "Multidistrict Litigation Restoration Act of 2005," which you introduced on March 2, 2005 and which was reported favorably by the House Judiciary Committee on March 17, 2005. H.R. 1038 will facilitate the resolution of claims by citizens and improve the administration of justice.

Currently, section 1407(a) of title 28, United States Code, the multidistrict litigation statute, authorizes the Judicial Panel on Multidistrict Litigation (the Judicial Panel) to transfer civil actions with common questions of fact that are pending in multiple federal judicial districts "to any district for coordinated or consolidated pretrial proceedings." It also requires the Judicial Panel to remand any such action to the district court in which the action was filed at or before the conclusion of such pretrial proceedings, unless the action is terminated before then in the transferee court.

Although the federal courts had for nearly 30 years followed the practice of allowing a transferee court to invoke the venue transfer provision (28 U.S.C. §1404(a)) and transfer the case to itself for trial purposes, the Supreme Court in *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), held that such statutory authority did not exist. The Court noted that the proper venue for resolving the desirability of such self-transfer authority is the "the floor of Congress." 523 U.S. at 40.

Section 2 of H.R. 1038 responds to the Lexecon decision by amending 28 U.S.C. §1407 to allow a judge with a transferred case to retain it for trial or to transfer it to another district in the interest of justice and for the convenience of the parties and witnesses. This section also provides that any action transferred for trial must be remanded by the Judicial Panel to the district court from which it was transferred for the determination of compensatory damages, unless the

transferee court finds for the convenience of the parties and witnesses and in the interests of justice that the action should be retained for the determined of compensatory damages. As experience has shown, there is wisdom in permitting the judge who is familiar with the facts and parties and pretrial proceedings of a transferred case to retain the case for trial. Also, as with most federal civil actions, multidistrict litigation cases are typically resolved through settlement. Allowing the transferee judge to set a firm trial date promotes the resolution of these cases.

H.R. 1038 also seeks to make corrections to the Multiparty, Multiforum Trial Jurisdiction Act of 2002, which was enacted as section 11020 of the "21st Century Department of Justice Appropriations Authorization Act" (Pub. L. No. 107-273, 116 Stat. 1758; now codified in various sections in title 28, United States Code. See 2 U.S.C. §§1369, 1391, 1441, 1697, and 1785.)

The Judicial Conference appreciates your support of H.R. 1038. If you or your staff have any questions, please contact Mark W. Braswell or Karen Kremer, Counsel, Office of Legislative Affairs (202-502-1700).

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support House passage of H.R. 1038. At least five times over the past 6 or 7 years I have risen to support legislation virtually identical to H.R. 1038. Each time the legislation has stalled in the Senate.

This bill has a very narrow purpose and effect. It overturns the 1998 Lexecon decision of the Supreme Court. That decision held that a multidistrict litigation transferred to a Federal court for pretrial proceedings cannot be retained by that court for trial purpose. In so holding, the Lexecon decision upset decades of practice by the multidistrict litigation panel and Federal district courts. The Lexecon decision also increases the cost and complexity of such multidistrict litigations by requiring courts other than the transferee court which has overseen the discovery and other pretrial proceedings to conduct a trial.

The provisions of this bill overturn Lexecon in a carefully calibrated manner. While the bill allows a transferee court to retain a case for a trial on liability issues and, when appropriate, on punitive damages, it creates a presumption that the trial of compensatory damages will be remanded to the transferor court. In so doing, the bill is careful to overturn the Lexecon decision without expanding the power previously exercised by transferee courts. More importantly, the presumption regarding the trial of compensatory damages ensures that plaintiffs will not be unduly burdened in pursuit of their claims.

In addition, this bill makes technical and conforming corrections to the provisions in the 2002 Department of Justice authorization measure relating to the consolidation of mass tort cases. While not universally endorsed, most

Democratic members of the Committee on the Judiciary have supported this piece of legislation each time it is submitted for consideration, and I ask my colleagues to once again vote for H.R. 1038.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I will not repeat the chairman's description of the bill's contents, but I would note that his bill is identical to the text of the legislation we passed in the last Congress by a vote of 418-0.

H.R. 1038 helps the Multidistrict Litigation Panel discharge its responsibilities by streamlining the adjudication of complex, multidistrict cases in a manner that is fair to all litigants.

Mr. CONYERS. Mr. Speaker, I have supported this legislation in the past because I am told it will improve the ability of Federal courts to handle complex multidistrict litigation arising from a common set of facts.

But I do have some reservations about this bill. When Congress enacted the Multidistrict Litigation, MDL, statute 35 years ago, its purpose was not to impose an unfair burden on plaintiffs and their families. Congress made plain its insistence on preserving the ability of individual plaintiffs to have their eventual day in court in a Federal district courthouse reasonably close to their home.

I want to make sure we continue to strike the right balance between emphasizing judicial economy and efficiency and preserving fundamental fairness during the critical trial phase. With this underlying goal in mind, I support this legislation. However, I hope the bill will continue to improve as it moves through the Senate and into Conference.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1038.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRADEMARK DILUTION REVISION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, as amended.

The Clerk read as follows:

H.R. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Trademark Dilution Revision Act of 2005".

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

“(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

“(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

“(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

“(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

“(iii) The extent of actual recognition of the mark.

“(B) For purposes of paragraph (1), ‘dilution by blurring’ is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

“(i) The degree of similarity between the mark or trade name and the famous mark.

“(ii) The degree of inherent or acquired distinctiveness of the famous mark.

“(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

“(iv) The degree of recognition of the famous mark.

“(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

“(vi) Any actual association between the mark or trade name and the famous mark.

“(C) For purposes of paragraph (1), ‘dilution by tarnishment’ is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

“(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

“(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

“(B) Fair use of a famous mark by another person, other than as a designation of source for the person's goods or services, including for purposes of identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

“(C) All forms of news reporting and news commentary.

“(4) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the

famous mark shall be entitled only to injunctive relief as set forth in section 34, except that, if—

“(A) the person against whom the injunction is sought did not use in commerce, prior to the date of the enactment of the Trademark Dilution Revision Act of 2005, the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment, and

“(B) in a claim arising under this subsection—

“(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark, or

“(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark,

the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

“(5) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution by blurring or dilution by tarnishment, or that asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.”; and

(2) in subsection (d)(1)(B)(i)(IX), by striking “(c)(1) of section 43” and inserting “(c)”.

SEC. 3. CONFORMING AMENDMENTS.

(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

(1) by striking the last two sentences; and

(2) by adding at the end the following: “A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.”

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking “as a result of dilution” and inserting “the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment”.

(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1)—

(1) by striking “, including as a result of dilution under section 43(c).”; and

(2) by inserting “(A) for which the constructive use date is after the date on which the petitioner's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or (B) on grounds other than dilution by blurring or dilution by tarnishment” after “February 20, 1905”.

(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows: “Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

“(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or

“(2) on grounds other than dilution by blurring or dilution by tarnishment, such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.”.

(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to “dilution”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1500

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 683 currently under consideration.

The SPEAKER pro tempore (Mr. ISSA). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the foundation of trademark law is that certain words, images, and logos convey meaningful information to the public, including the source, quality, and goodwill of a product or service. Unfortunately, there are those in both commercial and non-commercial settings who would seize upon the popularity of a trademark for their own purposes and at the expense of the rightful owner and the public. Dilution refers to conduct that lessens the distinctiveness and value of a mark. This conduct can debase the value of a famous mark and mislead the consuming public.

A 2003 Supreme Court decision, *Moseley v. V Secret Catalogue, Inc.*, compelled the House Committee on the Judiciary's Subcommittee on Courts and Intellectual Property, during the last Congress, to review the Federal Trademark Dilution Act and a committee print to amend it. The contents of the bill before us, H.R. 683, were largely culled from that committee print.

H.R. 683 does not establish new precedent or break new ground. Rather, the bill represents a clarification of what Congress meant when it passed the dilution statute a decade ago. Enactment of this bill is necessary because it will eliminate confusion on key dilution issues that have increased litigation and resulted in uncertainty among the regional circuits.

The primary components of H.R. 683 include the following: one, subject to the principles of equity, the owner of a famous distinctive mark is entitled to an injunction against any person who commences use in commerce a mark that is likely to cause dilution by blurring or tarnishment.

Second, a mark may be “famous” only if it is widely recognized by the general consuming public in the United States as a source designation of the goods or services of the mark's owner.

Third, in determining whether a mark is famous, a court is permitted to

consider "all relevant factors" in addition to prescribed conditions set forth in the print, including the duration, extent, and geographic reach of advertising and publicity of the mark.

Fourth, H.R. 683 clarifies the definition of dilution by blurring, as well as by tarnishment.

Fifth, the bill enumerates specific defenses to a dilution action: comparative commercial advertising or promotion to identify competing goods; all forms of news reporting and news commentary; and traditional fair uses pertaining to parody, criticism, and commentary.

Sixth and finally, other than an action based on dilution by blurring, the owner of a famous mark is only entitled to injunctive relief under H.R. 683 if the defendant willfully intended to trade on the famous mark's recognition; or in an action based on dilution by tarnishment, the defendant willfully intended to trade on the famous mark's reputation.

In either case, the owner may seek damages, costs, and attorneys' fees as well as the destruction of the infringing articles under separate Lanham Act provisions.

In sum, this bill will provide greater guidance for courts when they adjudicate dilution cases and businesses that use trademarks. It is a good complement to the dilution statute that received more than 2 years of subcommittee process.

Mr. Speaker, I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House passage of H.R. 683. This bill makes important changes designed to protect famous trademark owners against the use of similar marks that might harm a company's reputation or confuse consumers. It also manages to balance trademark law with first amendment concerns.

In 1995, the Federal Trademark Dilution Act was passed in order to "protect famous trademarks from subsequent uses that blur the distinctiveness of the mark or tarnish or disparage it." The purpose of the act was to bring uniformity and consistency to the protection of famous marks, a goal that had been complicated by differing State dilution laws.

However, since 1995, a significant split had developed among the courts in the interpretation of key elements of the dilution act. The Supreme Court eventually took a step to resolve the controversy in its recent decision in *Moseley v. V Secret Catalogue, the Victoria's Secret case*, where it interpreted the words "cause dilution" in the act to require a demonstration of actual dilution.

As a result of this decision, trademark holders are now required to wait until the injury happens before bringing suit. Victims of dilution have as-

serted that the injury caused by dilution constitutes the gradual diminution or whittling away at the value of the famous mark. They analogize the effects of dilution to 100 bee stings, where significant injury is caused by the cumulative effect, not just by one.

Section 2(c)(1) of this bill addresses this problem by changing the standard to "likelihood of dilution." By lowering the standard, proof of actual harm would no longer be a prerequisite to injunctive relief, and therefore extensive damage cannot be done before relief can be sought. Furthermore, the bill includes a clear reference to dilution by tarnishment. This allows the trademark owner to protect his mark from associations which harm the reputation of the famous trademark. The bill narrows the reach of a dilution cause of action. It tightens the definition of fame by providing a specific list of factors, and eliminates the protection for marks that are famous only in niche markets.

While not universally supported, this bill has now garnered the support of the ACLU for accommodating its first amendment concerns. In section 2(c)(3), the bill addresses the balance between the rights of trademark holders and the first amendment by providing an exemption for purposes of identifying and parodying, criticizing or commenting on the famous mark. The trade groups representing intellectual property owners, AIPLA, INTA and IPO, have all endorsed this bill.

H.R. 683 achieves an important balance in the protection of intellectual property. I encourage my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me this time.

Mr. Speaker, trademark law is relevant to the life of every consumer in America. Trademarks give customers assurance that the goods or services they are buying are what customers think they are. If a customer has purchased items in the past from a particular company that bears a specific mark or logo, the customer has an impression, favorable or not, of that company and the goods or services it produces. So trademark law empowers consumers by giving them information that is often critical to their purchasing decisions.

Dilution alters the public perception of a trademarked product or service by diminishing its uniqueness over time.

The idea of protecting famous trademarks from dilution surfaced in the 1920s. Since then, roughly half of the States have enacted dilution statutes while Congress passed the Federal Trademark Dilution Act nearly a decade ago.

As the gentleman from Wisconsin noted, the Federal dilution statute is

being amended for two main reasons. First, a 2003 Supreme Court decision involving *Victoria's Secret* ruled that the standard of harm in dilution cases is actual harm. Based on testimony taken at our two Intellectual Property Subcommittee hearings, this is contrary to what Congress intended when it passed the dilution statute and is at odds with the concept of dilution. Diluting needs to be stopped at the outset because actual damage can only be proven over time, after which the good will of a mark cannot be restored.

Second, the regional circuits have split as to the meaning of what constitutes a famous mark, distinctiveness, blurring and tarnishment. The bill more distinctly defines these terms. This will clarify rights and eliminate unnecessary litigation, an outcome that especially benefits small businesses that cannot afford to have a misunderstanding of what is permissible under the Federal dilution statute.

Finally, amendments developed at the subcommittee level will more clearly protect traditional first amendment uses, such as parody and criticism. These amendments provide balance to the law by strengthening traditional fair-use defenses.

Mr. Speaker, in sum, H.R. 683 clarifies a muddled legal landscape and enables the Federal Trademark Dilution Act to operate as Congress intended.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 683, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR APPOINTMENT OF SHIRLEY ANN JACKSON TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 19) providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 19

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the

United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Hanna H. Gray of Illinois on April 13, 2005, is filled by the appointment of Shirley Ann Jackson of New York. The appointment is for a term of 6 years, beginning on the later of April 14, 2005, or the date of the enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. McNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 19. I am pleased to be here on the floor with my distinguished colleague from New York to talk about the appointment of Shirley Ann Jackson as a citizen regent of the Smithsonian Institution's Board of Regents.

The Smithsonian's governing board is comprised of 17 members. These members include the Chief Justice of the Supreme Court, the Vice President of the United States, six Members of Congress, and nine citizens who are nominated by the board and approved jointly in a resolution of Congress. The nine citizen members serve for a term of 6 years each and are eligible for reappointment to one additional term.

Shirley Ann Jackson will fill a vacancy on the board being created with the departure of Hanna Gray. Shirley Ann Jackson is the 18th president of Rensselaer Polytechnic Institute and the first African American woman to lead a national research university.

□ 1515

Dr. Jackson has been a pioneer in many of her other endeavors as well. She is the first African American woman to receive a doctorate from MIT, the first African American to become a commissioner and chairman of the U.S. Nuclear Regulatory Commission, and the first African American woman elected to the National Academy of Engineering.

Her accomplishments in the field of physics and her leadership as the head of a national research university provide her with tremendous experience that will benefit the Smithsonian's board.

Dr. Jackson is currently President of the American Association for the Advancement of Science, and she was named one of seven 2004 Fellows of the Association for Women in Science.

In addition to her experience, Dr. Jackson has received the Golden Torch Award for Lifetime Achievement in Academia from the National Society of Black Engineers. She has been inducted into the National Women's Hall of Fame, and she has been recognized in such publications as *Discover* and *Industry Week* magazines and the *Esence* book, 50 of The Most Inspiring African Americans.

I could go on and on because I have merely scratched the surface of Dr. Jackson's numerous achievements, as well as the honors and awards she has received. But I will conclude by saying that it should be very clear that Dr. Shirley Ann Jackson would be a tremendous addition to the Smithsonian Institution's governing board. It will be an honor and pleasure to have her serve on that board, and I ask my colleagues to support House Joint Resolution 19.

Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I consider it a great honor to come to the floor today to nominate my friend Shirley Ann Jackson for the position of member of the Board of Regents of the Smithsonian Institution.

As the chairman pointed out, Dr. Jackson is the 18th President of Rensselaer Polytechnic Institute, a leading national research university, which I am proud to say is located in my congressional district in the great city of Troy, New York, and I am also proud to say that Shirley Ann Jackson is a constituent.

Dr. Jackson is widely recognized for her intelligent, compassionate problem-solving abilities and her promotion of women and minorities in science. Dr. Jackson is currently the President of the American Association for the Advancement of Science and is a director of many major corporations, including FedEx and AT&T.

She is also a member of the New York Stock Exchange Board of Directors, the Council on Foreign Relations, the National Academy of Engineering, the National Advisory Council on Biomedical Imaging and Bioengineering at NIH, the U.S. Comptroller-General's Advisory Committee for the GAO, and the Executive Committee of the Council on Competitiveness.

She is also a Fellow at the American Academy of Arts & Sciences and is a trustee of Georgetown University, Rockefeller University, Emma Willard School, and the Brookings Institution.

As the chairman pointed out, she is the recipient of many awards and honors, including life membership on the MIT Board of Trustees.

A native of Washington, D.C., Dr. Jackson received both her B.S. in physics and her Ph.D. in theoretical elementary particle physics from MIT. Dr. Jackson also holds 32 honorary doctoral degrees.

Mr. Speaker, as the chairman pointed out, Dr. Jackson is uniquely qualified for this position, and I urge adoption of the joint resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

I am delighted again to refer this resolution to my colleagues for their con-

sideration and support. Dr. Jackson is a great friend. She is a constituent. She is an outstanding American and a great humanitarian, and I urge adoption of the joint resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 19.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the joint resolution, H.J. Res. 19.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR APPOINTMENT OF ROBERT P. KOGOD TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 20) providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Wesley S. Williams, Jr. of the District of Columbia, on April 13, 2005, is filled by the appointment of Robert P. Kogod of the District of Columbia. The appointment is for a term of 6 years, beginning on the later of April 14, 2005, or the date of the enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. McNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Again, Mr. Speaker, it is a pleasure to be here with my friend and colleague

from New York, and we appreciate his support of these resolutions.

I rise in support of House Joint Resolution 20, which provides for the appointment of Robert P. Kogod as a citizen regent of the Smithsonian Institution's Board of Regents.

Robert Kogod is the second nomination we are considering today. He is expected to fill the vacancy created by the departure of Wesley Williams.

Mr. Kogod is the former co-chairman and co-chief executive officer of the Charles E. Smith Realty Companies. The Smith Companies he headed pioneered mixed-use development in the Washington, DC area, which puts residential, office, and retail buildings in close proximity.

Mr. Kogod and his wife, Arlene, are renowned philanthropists. In 1979 the Robert and Arlene Kogod School of Business at American University was named in honor of a major gift from the Kogods. They also helped establish the Institute for Advanced Jewish Research, within the Shalom Hartman Institute in Jerusalem. The Kogods are also world-recognized collectors of American crafts, art deco, and American art. They are longstanding members of the Smithsonian's American Art Forum and Archives for American Art.

Mr. Kogod has also served as a member of the Smithsonian Washington Council, and he is currently serving as a special adviser to Secretary Small on the Patent Office Building renovation project.

He serves as a trustee and adviser to the President of American University, which is where he also earned his bachelor of science degree in 1962. He possesses an extensive background in business, philanthropy and art. His diverse experience will make him an excellent candidate to serve on the Smithsonian Institution's governing board.

I support House Joint Resolution 20 and ask for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

Before we proceed with this next nomination, I also want to congratulate the gentleman from California (Mr. BECERRA), the newest congressional regent at the Smithsonian Institution, who replaces our late friend and colleague, Bob Matsui.

Mr. Speaker, I join the chairman in urging the adoption of House Joint Resolution 20 to elect Robert P. Kogod, a renowned philanthropist and real estate developer, to a 6-year term as a citizen regent of the Smithsonian Institution.

Mr. Kogod has a long record of service with the Smithsonian Institution, having served as a member of the Smithsonian Washington Council; as a special adviser, as the chairman said, to Secretary Small; and as a member of the American Art Museum's American Art Forum.

Mr. and Mrs. Kogod, as the chairman pointed out, are noted collectors of

American crafts, art deco, and American art and have provided major gifts to the American University School of Business, which is named for them; and to the Shalom Hartman Institute in Jerusalem, which promotes Jewish thought and education; and to the Corcoran Gallery of Art, among many others.

Mr. Kogod also serves on the American University Board of Trustees. And for many years Mr. Kogod was co-chairman and chief executive officer of Charles E. Smith Realty Companies, which pioneered mixed-use real estate development in the Washington, DC metropolitan area.

Mr. Speaker, I join the chairman in strongly urging my colleagues to support House Joint Resolution 20.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I just want to reiterate that Mr. Kogod is a person who is going to enhance and add so much to the board, and we are so pleased today to be making this resolution to put him on the board.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to support the appointment of Robert P. Kogod as a citizen regent of the Smithsonian Institution.

Bob received a B.S. in 1962 from American University located in Washington, DC. He joined the Smith Companies in 1959 where he served as president, chief executive officer and director until 2001. Rob is a member of the boards of directors of Vornado Realty Trust and Archstone-Smith Trust. Bob also serves as President of the Hartman Institute in Jerusalem which is home to the Kogod Institute for Advanced Jewish Research.

In 1979, the Kogod School of Business at American University was named in honor of a major gift from the Kogods.

Bob and his wife Arlene have demonstrated their deep commitment to James Smithson's vision of the Smithsonian Institution as an establishment for the increase and diffusion of knowledge. The Kogods are renowned philanthropists as well as world-recognized collectors of American crafts, Art Deco and American Art. They are longstanding members of the Smithsonian American Art Museum's American Art Forum and the Archives for American Art. Bob previously has served as a member of the Smithsonian Washington Council and is currently serving as special advisor to Secretary Small on the Patent Office Building renovation project.

Mr. Speaker, in closing, I would like to express my support for the appointment of Bob Kogod as a citizen regent of the Smithsonian Institution.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 20.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the joint resolution, H.J. Res. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEARCE) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 683, by the yeas and nays;

H.J. Res. 19, by the yeas and nays; and

H.J. Res. 20, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

TRADEMARK DILUTION REVISION ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 683, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 683, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 8, not voting 15, as follows:

[Roll No. 109]

YEAS—411

Abercrombie	Davis (IL)	Jindal
Ackerman	Davis (KY)	Johnson (CT)
Aderholt	Davis (TN)	Johnson (IL)
Akin	Davis, Jo Ann	Johnson, E. B.
Alexander	Davis, Tom	Johnson, Sam
Allen	Delahunt	Jones (NC)
Andrews	DeLauro	Jones (OH)
Baca	DeLay	Kanjorski
Bachus	Dent	Kaptur
Baird	Diaz-Balart, M.	Keller
Baker	Dicks	Kelly
Baldwin	Dingell	Kennedy (MN)
Barrett (SC)	Doggett	Kildee
Barrow	Doyle	Kilpatrick (MI)
Bartlett (MD)	Drake	Kind
Barton (TX)	Dreier	King (IA)
Bass	Edwards	King (NY)
Bean	Ehlers	Kingston
Beauprez	Emanuel	Kirk
Becerra	Emerson	Kline
Berkley	Engel	Knollenberg
Berman	English (PA)	Kolbe
Berry	Eshoo	Kucinich
Biggert	Etheridge	Kuhl (NY)
Bilirakis	Evans	LaHood
Bishop (GA)	Everett	Langevin
Bishop (NY)	Farr	Lantos
Bishop (UT)	Feeney	Larsen (WA)
Blackburn	Ferguson	Larson (CT)
Blumenauer	Fitzpatrick (PA)	Latham
Blunt	Foley	LaTourette
Boehlert	Forbes	Leach
Boehner	Ford	Lee
Bonilla	Fortenberry	Levin
Bonner	Fox	Lewis (CA)
Bono	Frank (MA)	Lewis (GA)
Boozman	Franks (AZ)	Lewis (KY)
Boren	Frelinghuysen	Linder
Boswell	Gallely	Lipinski
Boucher	Garrett (NJ)	LoBiondo
Boustany	Gerlach	Lofgren, Zoe
Boyd	Gibbons	Lowe
Bradley (NH)	Gilchrest	Lucas
Brady (PA)	Gillmor	Lungren, Daniel E.
Brady (TX)	Gingrey	Lynch
Brown (OH)	Gohmert	Mack
Brown (SC)	Gonzalez	Maloney
Brown, Corrine	Goode	Manzullo
Brown-Waite, Ginny	Goodlatte	Marchant
Burgess	Gordon	Markey
Burton (IN)	Granger	Marshall
Butterfield	Green (WI)	Matheson
Buyer	Green, Al	Matsui
Calvert	Green, Gene	McCarthy
Camp	Grijalva	McCaul (TX)
Cannon	Gutierrez	McColum (MN)
Cantor	Gutknecht	McCotter
Capito	Hall	McCrery
Capps	Harman	McDermott
Capuano	Harris	McGovern
Cardin	Hart	McHenry
Cardoza	Hastings (FL)	McHugh
Carnahan	Hastings (WA)	McIntyre
Carson	Hayes	McKeon
Carter	Hayworth	McKinney
Case	Hefley	McMorris
Castle	Hensarling	McNulty
Chabot	Herger	Meehan
Chandler	Herseth	Meek (FL)
Chocola	Higgins	Meeks (NY)
Clay	Hinchoy	Melancon
Cleaver	Hinojosa	Mica
Clyburn	Hobson	Michaud
Coble	Hoekstra	Millender-McDonald
Cole (OK)	Holden	Miller (FL)
Conaway	Holt	Miller (MI)
Conyers	Honda	Miller (NC)
Cooper	Hooley	Miller, Gary
Costa	Hostettler	Miller, George
Cox	Hoyer	Mollohan
Cramer	Hulshof	Moore (KS)
Crenshaw	Hunter	Moran (KS)
Crowley	Hyde	Moran (VA)
Cubin	Inglis (SC)	Murphy
Cuellar	Inslee	Murtha
Culberson	Israel	Musgrave
Cummings	Issa	Myrick
Cunningham	Jackson (IL)	Nadler
Davis (AL)	Jackson-Lee	Napolitano
Davis (CA)	(TX)	Neal (MA)
Davis (FL)	Jefferson	

Neugebauer	Rogers (MI)	Stearns
Ney	Rohrabacher	Strickland
Northup	Ros-Lehtinen	Stupak
Norwood	Ross	Sullivan
Nunes	Rothman	Sweeney
Nussle	Roybal-Allard	Tancredo
Oberstar	Royce	Tanner
Obey	Ruppersberger	Tauscher
Oliver	Ryan (OH)	Taylor (MS)
Ortiz	Ryan (WI)	Taylor (NC)
Osborne	Ryun (KS)	Terry
Otter	Sabo	Thomas
Owens	Salazar	Thompson (CA)
Oxley	Sánchez, Linda T.	Thompson (MS)
Pascarella	Sanchez, Loretta	Thornberry
Pastor	Sanders	Tiahrt
Payne	Saxton	Tiberi
Pearce	Schakowsky	Tierney
Pelosi	Schiff	Towns
Pence	Schwartz (PA)	Turner
Peterson (MN)	Schwarz (MI)	Udall (CO)
Peterson (PA)	Scott (GA)	Udall (NM)
Petri	Scott (VA)	Upton
Pickering	Sensenbrenner	Van Hollen
Pitts	Serrano	Velázquez
Platts	Sessions	Visclosky
Poe	Shadegg	Walden (OR)
Pombo	Shaw	Walsh
Pomeroy	Shays	Wamp
Porter	Sherman	Wasserman
Portman	Sherwood	Schultz
Price (GA)	Shimkus	Waters
Price (NC)	Shuster	Watson
Pryce (OH)	Simmons	Watt
Putnam	Simpson	Waxman
Radanovich	Skelton	Weiner
Rahall	Slaughter	Weldon (FL)
Ramstad	Smith (NJ)	Weldon (PA)
Rangel	Smith (TX)	Weller
Regula	Smith (WA)	Westmoreland
Rehberg	Snyder	Whitfield
Reichert	Sodrel	Wicker
Renzi	Solis	Wilson (NM)
Reyes	Souder	Wilson (SC)
Reynolds	Spratt	Wolf
Rogers (AL)	Stark	Woolsey
Rogers (KY)		Wynn

NAYS—8

Costello	Filner	Paul
DeFazio	Flake	Wu
Duncan	Moore (WI)	

NOT VOTING—15

Deal (GA)	Fossella	Pallone
DeGette	Istook	Rush
Diaz-Balart, L.	Jenkins	Wexler
Doolittle	Kennedy (RI)	Young (AK)
Fattah	Menendez	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1855

Mr. COSTELLO changed his vote from “yea” to “nay.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 109 I was inadvertently detained. Had I been present, I would have voted “yea.”

PROVIDING FOR APPOINTMENT OF SHIRLEY ANN JACKSON TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 19.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 19, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 110]

YEAS—417

Abercrombie	Costello	Hastings (FL)
Ackerman	Cox	Hastings (WA)
Aderholt	Cramer	Hayes
Akin	Crenshaw	Hayworth
Alexander	Crowley	Hefley
Allen	Cubin	Hensarling
Andrews	Cuellar	Herger
Baca	Culberson	Herseth
Bachus	Cummings	Higgins
Baird	Cunningham	Hinchoy
Baker	Davis (AL)	Hinojosa
Baldwin	Davis (CA)	Hobson
Barrett (SC)	Davis (FL)	Hoekstra
Barrow	Davis (IL)	Holden
Bartlett (MD)	Davis (KY)	Holt
Barton (TX)	Davis (TN)	Honda
Bass	Davis, Jo Ann	Hooley
Bean	Davis, Tom	Hostettler
Beauprez	DeFazio	Hoyer
Becerra	Delahunt	Hulshof
Berkley	DeLauro	Hunter
Berman	DeLay	Hyde
Berry	Dent	Inglis (SC)
Biggert	Diaz-Balart, M.	Inslee
Bilirakis	Dicks	Israel
Bishop (GA)	Dingell	Issa
Bishop (NY)	Doggett	Jackson (IL)
Bishop (UT)	Doyle	Jackson-Lee
Blackburn	Drake	(TX)
Blumenauer	Dreier	Jefferson
Blunt	Duncan	Jindal
Boehlert	Edwards	Johnson (CT)
Boehner	Ehlers	Johnson (IL)
Bonilla	Emanuel	Johnson, E. B.
Bonner	Emerson	Johnson, Sam
Bono	Engel	Jones (NC)
Boozman	English (PA)	Jones (OH)
Boren	Eshoo	Kanjorski
Boswell	Etheridge	Kaptur
Boucher	Evans	Keller
Boustany	Everett	Kelly
Boyd	Farr	Kennedy (MN)
Brady (PA)	Feeney	Kildee
Brady (TX)	Ferguson	Kilpatrick (MI)
Brown (OH)	Filner	Kind
Brown (SC)	Fitzpatrick (PA)	King (IA)
Brown, Corrine	Flake	King (NY)
Brown-Waite, Ginny	Foley	Kingston
Burgess	Forbes	Kirk
Burton (IN)	Ford	Kline
Butterfield	Fortenberry	Knollenberg
Buyer	Fossella	Kolbe
Calvert	Fox	Kucinich
Camp	Frank (MA)	Kuhl (NY)
Cannon	Franks (AZ)	LaHood
Cantor	Frelinghuysen	Langevin
Capito	Gallely	Lantos
Capps	Garrett (NJ)	Larsen (WA)
Capuano	Gibbons	Larson (CT)
Cardin	Gilchrest	Latham
Cardoza	Gillmor	LaTourette
Carnahan	Gingrey	Leach
Carson	Gohmert	Lee
Carter	Gonzalez	Levin
Case	Goode	Lewis (CA)
Castle	Goodlatte	Lewis (GA)
Chabot	Gordon	Lewis (KY)
Chandler	Granger	Linder
Chocola	Graves	Lipinski
Clay	Green (WI)	LoBiondo
Cleaver	Green, Al	Lofgren, Zoe
Clyburn	Green, Gene	Lowe
Coble	Grijalva	Lucas
Cole (OK)	Gutierrez	Lungren, Daniel E.
Conaway	Gutknecht	
Conyers	Hall	Lynch
Cooper	Harman	Mack
Costa	Harris	Maloney
	Hart	Manzullo

Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce

Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus

Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper

NOT VOTING—17

Bradley (NH)
Deal (GA)
DeGette
Diaz-Balart, L.
Doolittle
Fattah

Gerlach
Istook
Jenkins
Kennedy (RI)
Menendez
Murtha

Pallone
Rush
Wexler
Young (AK)
Young (FL)

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADLEY of New Hampshire. Mr. Speaker, on rollcall No. 110 I was inadvertently detained. Had I been present, I would have voted "yea."

PROVIDING FOR APPOINTMENT OF ROBERT P. KOGOD TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER pro tempore (Mr. PEARCE). The pending business is the question of suspending the rules and

passing the joint resolution, H.J. Res. 20.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 20, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 111]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper

Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack

Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Paul
Payne
Pearce

Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons

Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—22

Chocola
Deal (GA)
DeGette
Diaz-Balart, L.
Doolittle
Eshoo
Evans
Fattah

Istook
Jenkins
Kennedy (RI)
Menendez
Murtha
Nussle
Pallone
Pascrell

Rush
Sanders
Scott (GA)
Wexler
Young (AK)
Young (FL)

□ 1923

So (two thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF INSPECTOR GENERAL FOR HOUSE OF REPRESENTATIVES FOR 109TH CONGRESS

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 6 of rule II, and the order of the House of January 4, 2005, the Chair announces the joint appointment by the Speaker, majority leader, and minority leader of Mr. Steven A. McNamara of Sterling,

Virginia, to the position of Inspector General for the United States House of Representatives for the 109th Congress, effective January 4, 2005.

CAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, CAFTA, the Central American Free Trade Agreement coming in front of Congress, fact number one: The economic output of the six Central American countries entering into this agreement with the United States is equal to the economic output of Columbus, Ohio; Orlando, Florida; or the entire State of Kansas.

What this trade agreement, CAFTA, is all about: It is not about selling American goods into six small, poor countries in Central America. It is about outsourcing jobs. It is about weakening our economy. It is about losing our manufacturing base. It is about hiring low-income workers in Guatemala and Honduras and Nicaragua and Costa Rica.

This agreement hurts American workers. It depresses American wages. It does nothing to lift up standards of living in Central America.

CAFTA is a dysfunctional cousin of the North American Free Trade Agreement. It will continue to wreak havoc on the economy of Central America and Latin America and do nothing for American manufacturing.

RHETORIC VS. REALITY, SOCIAL SECURITY DEFINED

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to clarify a few points about strengthening and preserving Social Security.

Unfortunately, partisan opposition groups are playing word games with Social Security reform. Let me tell the Members what these words mean to the average American.

Privatization means taking Social Security completely out of the hands of government and turning the program over to a private entity. I will never vote to privatize Social Security.

Personal accounts means giving younger workers a choice to invest a portion of their tax dollars into safe and secure accounts. Most importantly, these accounts would be owned by the individuals and protected from the D.C. practice of using these funds for general spending. This is not privatization.

I would hope that instead of slinging half-truths and misrepresentations, those groups opposed to any sort of reform would instead present choices of their own and meet Republicans at the negotiating table in a productive, constructive manner.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO FLY, NO BUY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, for years people have been hearing me talk about gun violence in this country, and the debates over tougher gun laws have been defined as "social issues."

Gun violence has had tragic consequences for so many families, including my own. Gun violence presents a tremendous burden to our police departments, and I see it in my own district on Long Island where we are dealing with so many gangs. With the expiration of the assault weapons ban, many police departments will be outgunned by gangs and criminals. That is why basically we had the assault weapons ban put in place back in 1994.

Gun violence also costs this society over \$100 billion a year. Most of that \$100 billion is paid with tax dollars. It is estimated each shooting costs our economy \$1 million in health care, police work, and lost productivity.

Mr. Speaker, the social costs of gun violence are ever increasing, but since September 11, the threat of gun violence has become an important homeland security issue as well.

We are at war, and our lack of tough gun laws allows our enemies to arm themselves right here in our country. People can go to gun shows and be able to buy guns. They can go into different gun stores across this country with false ID and be able to buy guns. We know through the FBI that 44 times just since January the terrorists that have been on a no-fly list have been able to go and buy those guns. In all but nine instances, the purchases were allowed to go through. Affiliation with a terrorist group does not appear on any background checklist whatsoever.

There certainly have been many more instances of suspected members of terrorist groups trying to buy guns since then. But since the Justice Department destroys background check records after only 24 hours, we will never know, unfortunately, until there is a tragedy.

So not only are we allowing suspected terrorists to arm themselves, we are also destroying the records indicating how many guns they have bought and how many they own. We are destroying critical intelligence in the war on terror.

The question my constituents ask me all the time or when I go around the country and speak is, "Why are these people allowed to buy guns in the first place?" It defies common sense. We

saw what these terrorists are capable of, armed with only box cutters purchased at a hardware store; and starting last week, people are not even allowed to bring a cigarette lighter onto a plane. Then why do we make it so easy for our enemies to buy firearms and ammunition within our borders?

Since 9/11 we have adopted a multitude of new laws in the wake of the war on terror, and I agree with those laws.

□ 1930

No one is spared from the reach of these new laws. Some of these laws may be an inconvenience for some; but if it prevents one terrorist from boarding a plane, it is a good law. But our gun laws are dangerously out of step with the war on terror. The same people who cannot board a plane can walk into a gun store and purchase a handheld weapon of mass destruction. By the way, that is assault weapons, also. This is ridiculous.

Let me set the record straight. I am not out to take away the guns of any law-abiding citizen. We need common-sense gun safety regulations that protect law-abiding gun owners while making it tougher for terrorists and criminals to obtain these guns. That is why I have introduced the No Fly No Buy bill.

This bill would deny those on the Transportation Security Administration's No Fly List from purchasing firearms in this country. Granted, the No Fly List includes some law-abiding citizens who are on the list in error. But it is the only Federal terrorist watch list that allows innocent people to get their names removed. Other Federal lists without practical application may be just as inaccurate, but afford no due process to those wrongly listed. My bill would ensure that those people incorrectly listed on the No Fly List would be able to get their names off the list as soon as possible; and then they would be able to complete their gun purchase, no questions asked. Again, an inconvenience for some, but necessary steps to ensure terrorists are not buying guns in our country.

The Federal Government is charged with protecting us from terror. That is what 9/11 has taught us. I understand the second amendment concerns of law-abiding gun owners. These laws can co-exist with responsible people's rights to hunt and protect their families. Responsible gun ownership is a right of all law-abiding Americans, but we must also have a responsibility to protect law-abiding Americans from acts of terror and crime.

Mr. Speaker, we are seeing gangs across this Nation multiply, and we also know that they still have easy access to get guns. We can stop this crime wave that we see going through our country. We should be stopping this. We can save certainly an awful lot of money on medical costs. Our communities, all of a sudden, they are asking themselves, is it safe to go out at

night. We have cut back on our police officers; we have let the assault weapons bill expire; we now cannot even have our police officers check to see if a criminal has bought a gun because in 24 hours the records are destroyed.

We are not going in the right direction. We can make a difference. I hope people will support this bill.

THANKING OUR ARMED FORCES FOR THEIR COURAGE, DEDICATION, AND BRAVERY

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to thank the men and women of our Armed Forces for the courage and the dedication that they have so bravely displayed while liberating and securing Iraq from tyranny and terrorism. Through their hard work and dedication, these Marines, sailors, airmen, and soldiers have succeeded in defeating terrorism and giving birth to a new democracy in the Middle East, one that will serve as a model for the entire region.

Every day, U.S. forces transfer more security responsibilities to Iraqis, giving them the tools that they need to secure their nation. Today, there are more than 150,000 Iraqi security forces who have been trained and equipped by the United States and our coalition forces. Iraqis now patrol Baghdad's hotspots, parts of Mosul, Fallujah, and Saddam's hometown of Tikrit.

Every week, between 1,500 and 3,000 new Iraqi security forces enter active duty, joining the U.S. and coalition forces in our joint battle against terrorism. By liberating Iraq, our fighting men and women showed the world that terrorism and tyranny would no longer be tolerated.

After 9/11, President Bush decided to take the fight to the terrorists; and, once again, our Armed Forces answered the call to service. Ever since, U.S. and coalition forces have spectacularly defeated Saddam's tyrannical regime and transformed Iraq for the better. Those who were once oppressed now rule Iraq, holding the highest offices of a democracy.

Having accomplished the great task of liberating the Iraqi people from the scourge of terrorism, our forces have remained in Iraq to assist in rebuilding the country. Our men and women in the military have built schools, hospitals, and other infrastructure to improve the lives of ordinary Iraqi citizens. They have restored electricity and water to the Iraqis who have suffered from three wars in one generation. Roads and bridges are being repaired to increase commerce. Our soldiers have been able to accomplish this and so much more, even though murdering terrorist gangs try at every turn to thwart their progress.

The valor and the courage of our Armed Forces in the face of this enemy

have been critical to the reconstruction of Iraq. This was exemplified by the recent visit of our Deputy Secretary of State to the once-terrorist stronghold of Fallujah.

I am proud that my stepson, Aviator First Lieutenant Douglas Lehtinen, is preparing to deploy to Iraq. He will join the thousands of U.S. soldiers who are bravely fighting to guarantee that future generations of Iraqis will not have to suffer under tyranny.

Some of these soldiers, such as my husband, retired First Lieutenant Dexter Lehtinen, as a platoon leader in Vietnam, have paid dearly for the freedom that so many of us take for granted. My husband, Dexter, was wounded by a grenade that almost took his life. Instead, today he carries the scars of battle to remind us that while freedom may not be free, it is always worth fighting for.

I am proud that my stepson, Dougie, chose to volunteer and to protect the country that we all love so much from those who desire to destroy it. To all the brave men and women who have, do, and will continue to serve our Armed Forces, thank you on behalf of a grateful Nation.

FOCUSING ON CONSTRUCTIVE SOLUTIONS TO U.S. IMMIGRATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I rise this evening to begin what I hope will be the start of a constructive dialogue about our Nation's immigration laws.

There has been a lot of heated rhetoric about this topic in recent months. But what I believe has been lacking from this debate is a discussion of real solutions and an accurate portrayal of the real contribution of our Nation's immigrant community.

In Congress, on cable shows and in newspaper columns across the country, we witness undocumented workers being unfairly and inaccurately blamed for all of our Nation's ills. In fact, it seems as though there are some cable show hosts out there who have made this practice the cornerstone of their programming. Just look at Lou Dobbs and his "Broken Borders" segment. If you ask me, it should be called the "Broken Record" segment. Because night after night after night, it is the same thing. It is about giving a platform to anti-immigrant extremists so they can espouse their misguided, misleading, and often malicious views.

Mr. Speaker, I am the first to admit that our Nation's immigration system is simply not working. It is not meeting the needs of our Nation, it is damaging families, and it is hurting businesses. But rather than targeting Windex-wielding cleaning ladies, we should be talking about practical solutions.

Do these individuals actually believe we should deport the more than 10 mil-

lion undocumented working men and women working in this country? Do they think that is truly the answer? Let us say they say yes. Do they think our Nation has the will or the requisite resources to round up these individuals and ship them all off? If that is the case, I would simply ask them, what would life be without the more than 700,000 undocumented restaurant workers washing dishes and cleaning tables, 250,000 household employees, or the almost 1 million undocumented farm workers? These industries where these workers toil would literally come to a screeching halt if not for their labor. Their absence would cripple entire communities. Fruits and vegetables would rot on the vine, office buildings and hotels would go uncleaned, and children would go unattended.

So this evening, I thought I would set the record straight and give the folks at CNN and other news outlets a little unsolicited editorial advice. I think we should be talking in this country about mending borders. Rather than a segment about broken borders, why not create a segment about mending borders on your stations? How about a segment where elected officials, policy analysts, and immigration experts on all sides of the political spectrum discuss ideas and proposals for fixing our flawed immigration policy? How about, instead of endless footage of workers crossing the border, we see footage of real contributions of immigrants to our agricultural industry?

I wish I could turn on the television set one night and see scenes like this, by Rick Nahmias. This is the face of our immigrant community, right here, Mr. Speaker. It is back-breaking, thankless labor. These men and women are exposed to dangerous pesticides and punished by brutal working conditions. They lack safety equipment and have no place to send their children to school. Many of these workers wake up at 2 in the morning to take a bus to our fields, and they do not return until long after dark.

But this is why we have fresh fruits and vegetables at our grocery stores and on our kitchen tables. It is men and women like this in this poster who sustain our \$30 billion agricultural industry. According to the Department of Labor, at least half the 1.8 million crop workers in the U.S. are undocumented. That is the Federal Government.

I would like to show the next poster, one we never see on TV. The subtitle of the article is "Jobs Americans Won't Do." I wish everybody would read the front page of The Wall Street Journal on March 11. The Wall Street Journal article focuses on the challenges growers have finding workers. For example, ahead of a recent lettuce harvest, one grower took out ads in local papers for field workers to pick up the lettuce. He needed about 350 workers. The grower got one reply, just one reply. Mr. Speaker, the simple truth is our aging, more educated workforce is unwilling to pick the lettuce.

I do not blame them. It is truly arduous work. So rather than attacking immigrants for filling these important jobs and for sustaining our vital agricultural industry, let us talk about creating a system that allows them to come out of the shadows and work here legally and safely and humanely. Rather than unfairly attacking immigrants for draining entitlements, let us talk about the undocumented workers who are here in this country and, according to the Social Security Administration, subsidize our Social Security system by \$7 billion. Unfortunately, I have yet to see a segment about this on the cable channels.

Mr. Speaker, rather than focusing on the fiery rhetoric that boosts cable ratings, I would rather we focus on the words of the late Pope, John Paul II, who said, Undocumented migrants are the most vulnerable of foreigners. With those words as our guide, I hope we can work together to create an immigration system that is reflective of their enormous contribution and the greatness of this Nation.

MOURNING THE LOSS OF PRIVATE AARON HUDSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I received an announcement this morning from the Department of the Army. It is a casualty announcement that unfortunately we all receive from time to time, and it says: "The United States Army announces the loss of Private Aaron M. Hudson, 20, of Highland Village, Texas, who died on April 16, 2005 in Taji, Iraq, in support of Operation Iraqi Freedom. According to initial reports, Private Hudson died from injuries sustained on April 15, 2005, when an improvised explosive device detonated near his patrol.

Private Hudson was assigned to the 401st Military Police Company, the 720th Military Police Battalion out of Fort Hood, Texas.

Private Hudson's family resides in Highland Village, Texas. The Army extends heartfelt sympathy and condolences to his family who have suffered this loss."

Well, Mr. Speaker, I thought I should do something to perhaps fill in a little bit more about the life of Private Hudson; and although I did not know Private Hudson, we did reside in the same city for a while.

Private Hudson was a 2002 graduate of Marcus High School in Flower Mound, Texas. He joined the Army a year ago and left for Iraq in January, and he was serving at the 401st Military Police Company.

Mr. Speaker, the majority of the information that I am going to tell the House tonight came from a newspaper article in the Dallas Morning News from Monday, April 18, 2005; and I will insert that into the RECORD at the conclusion of my remarks.

Private Hudson was traveling in a convoy between Baghdad and Camp Taji on Friday performing a routine patrol delivering mail, Mr. Hudson, his father, said. He was the gunner in his military police team and was charged with security at the rear of the convoy when a roadside bomb exploded. A large piece of shrapnel shot through his body armor and struck him in the chest.

Private Hudson was born May 17, 1984, in Dallas. He played baseball, soccer, and basketball growing up; but his main high school sport was golf.

□ 1945

Mr. Speaker, I received a phone call from a Highland Village policeman, Chuck Barr, who was a next-door neighbor of Private Hudson.

Chuck being a policeman, you might imagine is somewhat circumspect about young men as they grow up. But he had no such reservations about Aaron Hudson. He told me that he trusted Aaron completely. He and his wife, Dawn, frequently used Aaron as a baby-sitter for their young children. And the photograph provided to me by Chuck Barr, the policeman in Highland Village, shows him and Mr. Barr's son sitting at their home in Highland Village.

Officer Barr related that Aaron had fun, but he never got into trouble. He said he and his wife, Dawn, used to always know when Aaron arrived home at night because his truck was a little bit loud as it pulled into the driveway next door.

Mr. Speaker, I cannot even imagine the pain that Mark Hudson and Angela Hudson, Aaron's parents, are going through this evening and this week. I called Mark Hudson today, and even though he was suffering enormously, he did take the time to talk to me a little bit about his son and his son's life. I told him that I would be speaking on the floor of the House tonight about his son.

And he said, I want you to tell the other Members of Congress that his son, Aaron, was proud to be a soldier. He said, As a father, I could not ask for more than for my child to go and help people halfway across the world, people he had never met before, to go and help them, and to give his life in trying to extricate them from tyranny.

Mr. Hudson wanted this body to know how much he supported the other young men and women over in Iraq this evening, how much he supported them in their effort to provide freedom for the Iraqi people.

Mr. Hudson told me that Aaron loved to be called a soldier. Mr. Hudson reminded me that tonight in the Hudson household the casualty rate is at 100 percent, but still he wanted me to convey that he and his family harbored no ill will against the Iraqi people. It was clear in Mr. Hudson's mind his son had been murdered by criminals, by a criminal element in the country of Iraq and not the Iraqi people that his son had gone to help.

Mr. Hudson also asked me to say a special note of thanks to a gentleman, and unfortunately Mr. Hudson did not know this gentleman's first name or his rank, but he was with Aaron in the 401st Military Police Division. The man's name is Robertson. He went through basic training with Aaron and they deployed together in Iraq, and it was Robertson who got young Aaron onto the medivac helicopter, and probably it was Mr. Robertson who heard Aaron's last words.

Mr. Hudson said that the letters he got back from his son were always upbeat. He never complained about things like the food. He never complained about his life in Iraq. He loved the camaraderie and the structure of being around his fellow soldiers. Mr. Hudson said in the newspaper article, Let's face it, he would rather have been home, but he knew why he was there and he knew his being there was important.

Well, Mark Hudson, Angela Hudson, I want you to know that just as we heard the gentlewoman from Florida, ILEANA ROS-LEHTINEN, say when she was speaking of her stepson that was going to be deployed, on behalf of a grateful Nation, we say, "Thank you." As Aaron comes home this week, I again would say, Thank you.

[From the Dallas Morning News, April 18, 2005]

HIGHLAND VILLAGE SOLDIER KILLED (By Christy A. Robinson)

An Army private from Highland Village died in Iraq on Saturday, a day after he was struck by shrapnel from a roadside bomb.

Pvt. Aaron Hudson, 20, was a 2002 graduate of Marcus High School in Flower Mound. He had joined the Army almost a year ago and left for Iraq in January. He was serving with the 401st Military Police Company.

"He liked being called a soldier," said his father, Mark Hudson. "My son died doing what he wanted to do. As a father, you can ask no more for your children than to willingly help other people."

Pvt. Hudson was traveling in a convoy between Baghdad and Camp Taji on Friday, performing a routine patrol and delivering mail, Mr. Hudson said.

He was the gunner in his military police team and was charged with security at the rear of the convoy when a roadside bomb exploded. A large piece of shrapnel shot through his body armor and struck him in the chest.

"We knew in the back of our mind that this could happen," Mr. Hudson said. "The people of Iraq, did not kill my son . . . the criminal element in Iraq killed my son. He was there to help the Iraqi people."

Pvt. Hudson was born May 17, 1984, in Dallas. He played select-level baseball, soccer and basketball growing up, but his main high school sport was golf.

He always felt at ease around people of any age, especially around his grandfather's golfing buddies. "He loved to play golf with those men. Those men loved him, too," Mr. Hudson said.

Pvt. Hudson conducted extensive research into which branch of the military he would join, his father said, before settling on being a military police officer in the Army.

"The thing that makes it odd is we aren't a military family," Mr. Hudson said. "He sent us a letter the fourth week into basic

[training]. Basic training is supposed to be tough. And he said, 'Man, Dad, 'This is fun.' I knew then he made the right decision.'

Pvt. Hudson spoke to his family by telephone two or three times a week. The last time that he spoke with his parents was the Tuesday before he was killed to wish them a happy 25th wedding anniversary.

Pvt. Hudson's phone calls and letters were never negative, his father said.

"The food was never terrible, the conditions were never terrible," he said. "You would think the letters would start off with, 'This sucks.' But they were never like that. It's made this a whole lot easier."

Mr. Hudson said his son's best friends were fellow soldiers.

"He loved the camaraderie and the structure," Mr. Hudson said. "Let's face it, he'd rather been home. But he knew why he was there, and he knew him being there was important."

Pvt. Hudson's body was expected to arrive at Dover Air Force Base in Delaware early this morning. His body will be returned to North Texas by the end of the week, Mr. Hudson said.

Funeral arrangements are pending. Pvt. Hudson's battalion in Iraq will hold a memorial service for him Wednesday.

In addition to his father, Pvt. Hudson is survived by his mother, Annette Hudson of Highland Village; a sister, Lezlie Hudson of Dallas; grandparents David and Fredrika Hudson of Mount Pleasant, Texas; and great-grandparents Ed and Loise Huddleston of Lewisville.

OPPOSITION TO TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the definition of insanity is when someone does the same thing over and over and over again, and then expects a different outcome.

Every time a trade agreement comes in front of this Congress, the American Free Trade Agreement in 1993, the trade agreements throughout the 1990s, trade with China, trade agreement after trade agreement, the support of those trade agreements promise the American people several things.

They promise more jobs for Americans, they promise more U.S. exports to those countries with whom the trade agreement is signed. They promise strengthening the middle class in the United States. They promise more manufacturing jobs for Americans. They promise a prosperity in the developing countries whom we are trading with. They promise strong environmental standards and food safety standards and worker standards and all of that.

Every time they make those promises, this Congress passes a trade agreement, usually in the middle of the night, usually by a handful of votes, and every time after this Congress passes these trade agreements, the promises just evaporate. We simply do not see the kind of results they promise.

One of the promises they make in every single trade agreement is that

our trade deficit would come down. And let me point out our trade deficit, what has happened in this country.

Our trade deficit is a simple calculation: It is how much the United States exports versus how much it imports. If we export more than we import, we have a trade surplus. If we buy, import, more than we sell, export, we then have a trade deficit.

I ran for Congress in 1992. In 1992 the trade deficit in this country was \$38 billion. Since 1992 we have seen a series of trade agreements passed, NAFTA, China, Australia, Morocco, Singapore, Chile, several others.

Today, the trade deficit, \$38 billion in 1992, the trade deficit last year 2004, was \$620 billion. From 38 billion to 620 billion, yet the people that brought us NAFTA, the people that brought us China, Most Favored Nation status, are still saying, Vote for our trade agreements and we will bring deficits down.

But do not take my word for it when I say that they break these promises. Look at these trade deficit numbers, and then look at what President Bush wants to do today.

President Bush is saying, Please pass the Central American Free Trade Agreement, similar to the North American Free Trade Agreement, CAFTA, the Central American Free Trade Agreement. He says, If you pass CAFTA, we will have more exports; we will grow manufacturing in the United States; we will have a strengthened middle class; we will have strong environmental standards both in the United States and Central America; it will bring prosperity to the Central American countries.

What he does not tell you is that the six Central American countries that make up CAFTA, their combined economies figure at about \$62 billion. Our economy generates \$10.5 trillion in GDP, the six countries in Central America have a combined GDP, if you will, of \$62 billion.

So CAFTA is not about robust markets for the exporting of American goods. They simply are not able to buy our products. \$62 billion GDP in those six countries, that is about the combined purchasing power of the city of Orlando, Florida, or the city of Columbus, Ohio, or the entire State of Kansas. In other words, these six very small, very poor countries, have the economic input of Kansas or of Columbus or of Orlando.

So they are not buying American products. So they simply cannot buy agricultural produce from this country. They cannot buy the wines from California or the cars from Ohio or the steel production from West Virginia. They cannot buy computer goods. They simply cannot afford to buy these products from the United States.

So what are these trade agreements about? What was NAFTA about? What was the China trade agreement, MFN, about, what was CAFTA, the Central American Free Trade Agreement that the President wants us to pass, what is

that about? It is about outsourcing jobs. It is about moving production from the United States where workers make \$8 or \$10 or \$15 or \$20 an hour producing things, to Guatemala, to Honduras, to Costa Rica, to Nicaragua, to El Salvador, to countries where the wages are maybe a dollar or two a day, or \$3 or \$4 a day in some cases.

It is about outsourcing jobs. It is about moving production to Central America. It is about loss of American jobs. It is about exploitation of workers in the developing countries. It is about worse environmental regulations. It is about weaker food safety standards. But it is also about profits, the profits for large American companies.

That is why in this hall you are seeing the largest CEOs of the largest companies walk the halls asking Members of Congress to vote for CAFTA. You are seeing the CEOs of America's largest companies contributing to elected officials, to Members of Congress. You are seeing them trying to buy their way into this institution, this corrupt institution, under the leadership of Republican leader Tom DELAY.

You are seeing in this institution an attempt to buy the Central American Free Trade Agreement. This agreement is about profits for American companies. It is about campaign contributions. But what CAFTA will not do is stop the bleeding of manufacturing jobs in the United States, and what it will not do is create a strong Central American consumer market for American goods.

Our economic success in this country is that workers in our country share in the wealth we create. If you work for General Motors, you help that company produce profits, you help that company do well. As a result, you, as a worker, share in the profits that you create.

That is what has made our economy vibrant. It is that people who work hard and play by the rules do well. But throughout the developing world, workers do not share in the wealth they create. So what will make a trade agreement work is when the world's poorest people can buy American products rather than just make them; then we will know that our trade policy finally will have succeeded.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

(Mr. CHOCOLA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WELCOME HOME GI BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, at the President's second inaugural, last January, he said, "A few Americans have accepted the hardest duties in this cause, the dangerous and necessary work of fighting our enemies. We will always honor their names and their sacrifice."

The other day I introduced a bill called the Welcome Home GI Bill, to recognize the returning veterans of Iraq's and Afghanistan's theaters of war, to give them the type of compensation that they have deserved.

Now, a little history. We all know about the GI Bill. The fact is that the GI Bill was passed approximately 11 months before the end of World War II, signed by the President of the United States. Even before the war was concluded, the GIs from that war knew what the GI Bill was going to be.

And it helped them on health care and education and buying a home. It helped them put themselves on the road to their civilian life, but also put America back on the road coming home from that war.

And the truth is that every Congress, every Congress, at the end of hostilities has had a package of compensation for its veterans. Going back to the War of Independence, disabled veterans received a pension. There has not been a military engagement that the United States Congress, as the voice of the American people, has not designed a package for its returning vets; and it is high time that the 109th Congress follow the great tradition of every Congress before and begin to think what we will do for the vets returning from Iraq and Afghanistan.

Two weeks ago I met the Marine Corps 2nd Battalion 21st Regiment. I had seen them off 7 months earlier, and greeted them at Rosemont Horizon Arena in the Chicago suburbs, and saw those families. And one father said to me in a very poignant way, that this reception was a lot different from the reception he received about 35 years ago when he came home.

Now, what I have done in this package, which we have put together now with 15 sponsors, and the Veterans of Foreign Wars, the Illinois Chapter has endorsed and supported, is three parts: education, health care and housing.

In the area of education, today, full benefits would be around \$36,000 in 3 years under the Montgomery GI educational benefits, and you would have to pay \$1,800 to get that \$35,000.

The Welcome Home GI Bill is 75,000 over 4 years, and you do not have to pay \$1,800 to get that educational benefit because, in the view of the legislation, your service is your contribution. You do not have to pay \$1,800 to receive

an educational benefit, whether that is for college, 4 years of education, whether it is for job training, whether it is for postgraduate work, that benefit you earned by your service.

Second, if when you come back, your place of employment does not provide health care; or if because you went off to war, when you came back your health care was canceled, you and your family will get 5 years of TRICARE health care, the gold standard and the gold-plated health care that you are provided on active duty.

Today, vets get, if obviously if they are hurt or are in poverty, they get the veterans health care system. We are going to provide them the TRICARE system that they get as if they were active duty, for them and their families.

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Third, we provide today a mortgage insurance for a home. The hardest part of getting a home is actually the down payment. It would be a \$5,000 contribution towards the down payment on their home. TRICARE health care for 5 years if your employment does not provide it or you lost it for you and your family, \$75,000 for 4 years of education to pursue job training and education and you do not have to contribute \$1,800 to get that. Your service provided that. And, lastly, \$5,000 for a down payment on a home. That is in my view the minimum of what we can do for the returning veterans of Iraq and Afghanistan is provide them that sense of compensation. It is a welcome home for the GIs. Every Congress has done it in the past.

Lastly and more importantly, today we have a disparity between the benefits between National Guard and Reserve and regular enlistees. We eliminate that disparity between Reserve and active duty because you saw the same experience in Iraq and Afghanistan. So Reserve and National Guard get the same benefits as the regular enlistees have received. It eliminates that discrimination.

As I always say, we do not owe our veterans a favor, we just have to repay one. The Welcome Home GI Bill has now received the support of the Illinois chapter of the VFW. I look forward to the support of others. We will be submitting the bill next week.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING MATTHEW DRAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week Matthew Drake, a soldier who had been serving our Nation in Iraq, was awarded the Purple Heart for grave injuries he sustained on October 15, 2004, in Anwar Province, Iraq. May I please extend to him and to his family warmest congratulations and deepest gratitude on behalf of the people of the United States.

Private First Class Drake, a resident of Toledo, Ohio, and graduate of Sylva North High School, while driving a 6-ton truck became the only survivor of a bombing. Comatose, he had a fractured skull, severe head injuries, multiple back injuries, many broken bones, and damage to his right arm and shoulder. He underwent many surgeries while hospitalized in Germany at both military as well as German private hospitals and more after traveling to Walter Reed Army Hospital here in Washington where he remained in a coma for many weeks.

Matthew Drake survived by all accounts miraculously and will undergo rehabilitation for a very long time. He has been courageous in his journey. He said this week that on receiving this Purple Heart he wanted to be able to stand from his wheelchair in order to have it pinned on him.

Throughout the months since Matt was wounded, his family has struggled to afford what is necessary to help him to travel to the hospitals on our coasts where people have been trying to help him. For his family to be near him and to help his very long rehabilitation, a fund was established at Sky Bank in Toledo, Ohio, on his behalf.

Last week, I attended a spaghetti dinner which was a fundraiser arranged by Matt's family and friends to raise the money, at least part of it, required for this son of our Nation to continue his progress with the support of his family. And before I left, they gave me this T-shirt to remember Matt. And it says on it, "The Long Road Home, Matthew Drake, Army Special Forces Injured in Iraq. He was there for us. October 15, 2004."

Matthew Drake was born in Toledo, Ohio, in 1983. He was raised in Sylva and attended Maplewood Elementary School. He played soccer and was a Boy Scout and a member of Olivet Lutheran Church. While a student at Northview High School, Matthew was a wrestler and excelled in gymnastics. He trained in the martial arts, played guitar, and was an honor roll student.

After graduation, he started college at Bowling Green University and worked for the United Parcel Service, but 1 year later he felt duty-bound to serve our country. He left college and enlisted in the United States Army on October 13, 2002. Following training, he was assigned to Special Forces Bravo Company and sent to Iraq on September 7 just having turned 21. Not 6 weeks later he was promoted to specialist and 2 days after that the attack that changed his life forever occurred.

Now facing the greatest challenge of his young life, to return from a near

mortal head and bodily injuries and trying to regain as much strength as he can, Matthew Drake's dream of becoming a physical therapist have turned to dreams of gaining inches of recovery day by day. He had always planned to work in a profession where he could be of help or service to other people. Yet his commitment to his family, his feeling responsible to protect his younger siblings brought him to a most dangerous place. He felt he had a job to do, and he did it.

How many times have we heard that sentiment echoed by the families of the more than 11,000 service members injured in Iraq? Matthew Drake joins the 6,050 of those who were not able to shortly return to duty and whose future in service to America and their God will take another form.

Matthew faces struggles of rehabilitation most of us cannot imagine. Even swallowing whole food is still not possible. Matthew's story represents one family's heroic struggle multiplied by more than 11,000 families whose loved ones have been injured and the over 1,550 who have had to lay their loved ones to rest.

Our government must assure that we properly care for and fully compensate these young people through their entire recuperation and lifetimes. Why should a family have to have spaghetti dinners in order to have the funds necessary to travel to be with one of these severely injured veterans who have come home?

Matthew is a quiet and shy young man who loves to laugh, especially enjoys children and animals, and who joined the Army to make the world safer. He represents the citizenship ideals of hundreds of thousands of service members whose value we should not forget.

The explosion that so injured Matt on October 15, 2004, killed all his colleagues but him. His injuries were grave. He was never expected to live. Matthew Drake survived by miracle and support of his family. His mother, Lisa, has never left his bedside since he has returned Stateside, and his father Tom has traveled time and again to be with him.

On April 18, 2005, with his mother and father by his side, along with his immediate family and friends, Matthew was awarded the Purple Heart. Matthew had made a promise to his parents that no matter what he would try to stand dressed in his uniform to receive this special honor. He needed help to do that, but he did it.

Four Star General Douglas Brown, who presides over the Special Operations Units for all branches of the military, was given the honor of presenting the Purple Heart Award to Specialist Matthew T. Drake.

Our hearts swell with Matt and his family, not only because he was awarded such a prestigious and significant medal but because he lived to receive it and understands the meaning of words duty, honor, and country.

Congratulations to Matt. We love you.

[From the Toledo Blade, Oct. 19, 2004]

SYLVANIA SOLDIER SURVIVES SUICIDE ATTACK; NORTHVIEW H.S. GRAD IS IN COMA, WITH SKULL FRACTURE, INJURIES TO ARM, SHOULDER

(By Elizabeth A. Shack Blade)

A Sylvania soldier was seriously hurt in a car bombing in Iraq on Friday that killed four other people, and his family and friends are anxiously awaiting word on his recovery.

Pfc. Matthew T. Drake, who is in an Army Psychological Operations unit based at Fort Bragg, N.C., arrived at Ramstein Air Base in Germany last night on his way to Landstuhl Regional Medical Center.

On Friday, Private Drake was driving a truck near the town of Qaim near the Syrian border. Two other psychological operations soldiers, a Marine, and an Iraqi translator were killed in the suicide attack.

Private Drake was in a coma when he reached a military hospital and also has injuries to his head, right arm, and shoulder, including a fractured skull.

"It's an unbelievable miracle that he survived," his aunt, Linda Marie Domini, said.

He has had several surgeries for his head injuries and will have more surgeries when he is in a more stable condition. He will eventually be transferred to Walter Reed Army Medical Center.

Private Drake graduated from Sylvania Northview High School in 2001 and attended Bowling Green State University for a year. In October, 2002, he left to join the Army.

He wanted to protect his younger siblings, Heather Schuster, a sophomore at Northview, and Michael Schuster, a sixth grader at Arbor Hills Junior High.

"He really felt called to serve," his aunt said, "He wanted to go fight the terrorists over there rather than have them come over here."

A member of the 9th PsyOp Battalion, Bravo Company, Private Drake left for Iraq on Sept. 7, two days after his 21st birthday, assigned to a three-man psychological operations unit. He drove an armored six-ton truck with a speaker.

His aunt said he felt that he had a job to do and he was going to do it, and he promised his mother, Lisa Schuster, that he'd come home. His father is Thomas Drake of Toledo.

"He's coming home a Purple Heart veteran," his aunt said, her voice breaking.

Private Drake, who was a wrestler his junior and senior years in high school and is a certified personal trainer, was thinking of becoming a physical therapist, Mrs. Domini said.

Friends and family described Private Drake, who belongs to Olivet Lutheran Church in Sylvania, as a kind, funny, and generous man.

Matt Serror, who has known Private Drake since they played soccer together in elementary school, said he was quiet and shy in high school but always helped people out, whether he was shoveling snow for an elderly neighbor or dropping a dollar in a can by a cash register.

"It's the little things you might not think about," Mr. Serror said. "He's one of those people that doesn't come around every day."

When his aunt's 150-pound Rottweiler was recovering from surgery, Private Drake carried him outside when needed to go outdoors.

In an e-mail to his mother a week before the attack, he wrote that he had befriended a feral dog that ran around the encampment where he lived with two other men in a room the size of a two-car garage.

"We pray that when he does come out of his coma that he's still Matthew," Mrs. Domini said.

Sky Bank branches are accepting donations to the Matthew T. Drake fund. His aunt said that if he doesn't survive, the money will go to families of other wounded soldiers.

But she said their family is one of strong faith, and they believe he's going to make it.

"We certainly ask for people who believe in prayer to pray for his recovery," Mrs. Domini said.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART ENERGY POLICIES, NATIONAL SECURITY AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, later this week the House will vote on energy legislation that concerns every man and woman in America. This energy bill presents a terrific opportunity to reduce our Nation's continued dependence on petroleum by promoting clean and renewable energy sources. But instead of encouraging the use of renewable energy, this Neanderthal legislation promotes the interest of corporations through tax breaks that encourage air pollution, water contamination, and the general destruction of our environment.

This energy legislation will harm more than our environment. American's continued reliance on fossil fuels is the single largest factor that contributes to our national insecurity. That is because we obtain most of our fossil fuels from the Middle East, a region where democracy is about as common as desert oases. By spending billions of dollars annually on foreign fuels, the United States supports autocratic regimes in countries like Saudi Arabia, Libya, and Venezuela.

The citizens of oil-rich countries run by despots rarely, if ever, receive even a dime from these oil sales. More often than not, these riches line the pockets of fat-cat leaders and their cronies, instead of paying for projects that would help improve the lives of all the people in the country.

This drastic gap in wealth between the upper and lower classes, in turn breeds hostility and despair among the local populace. This hostility, combined with the militant form of Islam that is encouraged by the fat-cat leaders, creates the conditions in which terrorism runs rampant.

If the United States were to become fully energy independent, we would essentially pull the plug on the supply of money that flows to the Middle East much like oil through a pipeline. Therefore, the most effective measure we can take to address global terrorism

is to curb our dependence on foreign fuel. Unfortunately, this sham of an energy bill that we will vote on this week would do the very opposite, making Americans more beholden than ever to the whims and desires of big oil companies.

Sadly, 150,000 United States troops are currently embroiled in a war in Iraq that certainly is intended to ensure that the U.S. has access to Middle East oil.

President Bush and the Republican leaders in Congress claim they want democracy to take hold in Iraq. But if a democratic Iraq really is wanted, then we need to do two things right here at home.

First, we must craft a viable national energy policy that encourages the development and use of renewable sources of energy. Second, we must remove our troops from harm's way by withdrawing United States military forces from Iraq, giving Iraqis and Iraqi oil back to the people of Iraq.

I have introduced legislation to accomplish this: H.R. 737, the Renewable Energy and Energy Efficiency Act of 2005. It establishes a comprehensive energy strategy that will stimulate demand for more efficient energy processes and unlock the vast potential of renewable energy sources.

I have also introduced H. Con. Res. 35 with the support of 31 of my House colleagues. This legislation calls on President Bush to begin immediate withdrawal of U.S. troops from Iraq. If Iraq is as stable and secure as the Bush administration claims, then why does a third of our standing military remain there still fighting the Iraqi insurgency? Why do the men and women in our military continue to face gunfire and car bombs halfway around the world? For what cause have more than 1,500 American soldiers and tens of thousands of Iraqi civilians died, with another 12,000-plus American soldiers gravely wounded physically and mentally?

Mr. Speaker, our Nation's energy and foreign policies are interconnected. You cannot address one without addressing the other. That is why the energy legislation that will come before the House this week is so terribly wrong for America.

In promoting this misguided energy bill, the Republicans in Congress ensure the continuation of the deep disparities of wealth in the Middle East. These misguided policies will encourage future acts of terrorism which will encourage future warfare. Instead of relying on foreign oil for our energy needs, let us address the source of the problem by employing our Nation's innovative expertise by promoting the advancement of clean, renewable sources of energy. This will keep our air and water pure; but just as important, it will help purify our Nation's foreign policy.

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The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EARTH WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to address the Chamber today on Earth Week. This is the 35th anniversary of Earth Day, something that is quite a significant event and something that has been very successful in American history.

I reflect back 35 years ago, and look how far we have come in America with our environmental policy to improve the conditions of our air and water, and we have had some real successes. I think it is appropriate once in a while to reflect on success in our Nation.

I live in the Seattle area and on an August day in Seattle, you look south where on a clear day you see Mount Rainier. It is quite a beautiful 14,600-foot peak. In August, it was invisible. You could not see it through the yellowish haze, except maybe the top 1,000 feet or so. As a result of some bipartisan efforts to reduce particulate matter and others in our air, we have been

successful and I report you can see Mount Rainier very clearly as long as it is not raining, which once in a while it does in Seattle, of course.

We have had successes all over the country in improving our air quality as a result.

Just another little story: When I look out at Puget Sound just in front of my house, 35 years ago you may not have seen any bald eagles. They were an endangered species and had considerable problems because of some pesticides in our food chain. Now, just yesterday before I flew out here, I saw a great bald eagle soaring. It is a real joy to watch him fishing, they are joined by the ospreys frequently, and we have had success with the bald eagle and now people are enjoying and our grandkids and great grandkids are going to enjoy. We have had success.

The third success: I want to point to some of our policies that this Congress has adopted have been successful in bringing more efficiencies so we do not waste as much oil and have the pollution associated with oil.

In fact, if you will look at the graph here, this is a graph of the auto efficiency that we have had over the last several decades, and the top line here is for cars. The bottom line is for trucks, and the middle line is the average of both. You see back in 1975 our trucks were getting about an average of 12.5, 13 miles a gallon. Our cars, on average, were getting about 14.5 miles per gallon.

Back in the mid-1970s, we adopted some fairly ambitious goals to improve efficiency of our cars. What did we get? We got a tremendous boost in efficiency. If you look at these rising lines both for trucks and cars, very, very steep curves going up, so that in about 1984-1985 we got our cars up to an average of 24 miles a gallon, our trucks up to about 17 or 18 miles a gallon.

We had some major successes and we did so because the country embraced the spirit of Earth Day and embraced this concept that we have to have forward-looking, visionary environmental policy and energy policy in this country.

In sort of one of those ironies of life during Earth Week, we are going to have the energy bill up here before the House, which has major, major environmental impacts as well as security impacts and job and economic impacts.

I wanted to address tonight the impacts on our jobs, on our security and on our environment of the energy bill that the House will consider this week. I would like to start with some of the difficulties of that bill and some of its failures, and then I would like to move to the good news about the vision that we have to create a new energy future, a visionary energy future for this country. In fact, what we call it is the new Apollo Energy Project, and many of us believe we need an entirely new visionary, over-the-horizon plan for energy efficiency in this country that will do three things: first, break our addiction to Middle Eastern oil.

The security needs of this Nation to do that are obvious. The need to help spread democracy and the ability to do that will be much greater if we break this addiction to oil, which gives the oil princes and sultans the power in the Mideast. The security need for this is obvious. This is the first goal of the new Apollo Energy Project.

The second goal is to stop global warming. We have real problems with that. I will address that later. We need to have an energy policy that will stop this freight train right now that is building to significantly change our climate.

The third goal of the new Apollo Project is to grow jobs right here in the United States rather than allowing job loss to go overseas. Many of us feel that we should be building fuel-efficient vehicles here and not just in Japan. Those jobs, building fuel-efficient cars, should be here in America and not overseas by necessity. We think the solar cell technology, which was originally developed here, those jobs building those solar cells ought to be here, not Germany.

We feel that the people who are building the wind turbines, those jobs ought to be here, in Washington State and other manufacturing centers around the country, rather than in Denmark, that is now leading the world in that technology.

We think we can bring those high-tech, visionary jobs home, and that is the very package of the new Apollo Energy Project.

I want to contrast that just for a moment with what the bill that will be voted on the floor consists of. Basically, the best way I can describe the bill that the majority party is bringing to the floor is pretty much a large transfer of taxpayer money to the oil and gas industry, and it is nothing more and really nothing less.

It is about \$7.5 billion out of the \$8 million that will go in direct subsidies in one form or another, sometimes through the Tax Code, some through direct subsidization to the oil and gas industry. That is over 85 percent of the entire amount to be invested in this that will go from taxpayers to the oil and gas companies.

It is interesting; I read a quote today by a gentleman who may surprise you, who said this, commenting on the relative wisdom, or lack thereof, of transferring \$7.5 billion from taxpayers, who just got done filling out their tax reports, to one of the most profitable industries in America. In fact, last week I just read that one of those companies, I will not name their name, they are a fine company, good people work for them, but they had \$8 billion in profits the third quarter last year, the largest quarterly profit of a corporation in American history. Yet, the bill the majority party is bringing to this Chamber will take \$7.5 billion, roughly, of taxpayer money and give it to the oil and gas companies.

It was a very interesting quote I saw in this morning's newspaper. I thought

I might share that. I thought it was a very sage comment on whether that made sense. This gentleman said, I will tell you, with \$55 oil, a barrel, we do not need incentives to oil and gas companies to explore. There are plenty of incentives. What we need is to put a strategy in place that will help this country over time become less dependent.

That quote was by a fellow who knows the oil and gas industry quite well. That was a quote from President George Bush, who I think very pointedly asked, What are we doing giving the oil and gas industry \$7.5 billion of taxpayer money when they have got \$55, \$56, \$57, maybe \$58 a barrel of oil now? If that is not an incentive, what else would be needed?

As President Bush pointed out, what we really need is some more technological solutions to deal with a way to break our addiction to oil of any nature, foreign or domestic, so that we can move forward and no longer be a slave to big oil. I thought that was an interesting comment, one that I hope some of my colleagues can ask when we debate this issue.

I was talking to one of my constituents the other day, and I told him this; and he just looked at me and said with incredulity, he said, That cannot be true, Congress could never do such a bizarre thing as to hand over taxpayer money like that to an old technology. A mature industry does not need that sort of pampering to get out of the crib of technology and get on its feet to become market-based. It has been around since the late 1800s. What are we doing with a \$7.5 billion subsidy to an old industry?

Good question. I do not have an answer for it, but we will have a debate on this floor in this regard.

So the bill that is now before us is sadly lacking. It is a perfect energy policy for the early 1900s. In the early 1900s it might have made sense to help subsidize an industry just developing new technology, beginning to grow, a huge burst in the industrialization of America; but not now, not here. And we think we need a significantly different approach.

So we believe that we need an approach that will really use America's creative genius to develop the technologies to break our addiction to oil. And by the way, let me make sure people understand. As long as we are dependent on oil, we will be subservient to the international oil marketeers even if we increase our domestic production, and the reason is geology.

We consume about 25 percent of the world's oil every year, but we only have reserves, including that which has not been pumped, of about 3 percent of the oil reserves in the world. The simple fact is we cannot plant dead dinosaurs underneath our continental United States to create oil. It is simply not there. We are dependent on foreign oil, and even if we increase our domestic production to some degree, if we

doubled it, if we doubled our domestic production, we would be at capacity. We would be having 6 percent of the world's oil, but still be consuming 25 percent of the world's oil.

The fact is that we cannot drill our way to independence. We cannot drill our way to freedom, and we cannot drill our way to create jobs in this country.

We need to largely invent our way out of this pickle. We need to use American ingenuity, the kind of ingenuity that created the software system, the Internet, the aerospace industry, biotechnology, putting the man on the moon. That is the kind of technology we need. In fact, that is why we named this project the new Apollo Energy Project, because President Kennedy stood right there actually May 9, 1961, and he spoke to America and he said America needs to put a man on the moon and bring him back safely within the decade.

That was a dramatic thing to say at the time. I mean, we could hardly launch a softball into space; we had not even invented Tang yet. It was a dramatically bold, audacious challenge. He made it because he understood how good we are at invention in the United States of America, and we need that same kind of spirit now, a new Apollo Project that will call on the innovative spirit of Americans to solve these technological challenges.

This is not going to probably happen this Wednesday when we debate this matter, but I can say optimistically that the planets are aligning to really come up with a new energy policy in this country. Let me suggest some of the reasons here.

One is that the people are starting to understand that we can be very successful. This is a note of optimism. We are optimistic, and the reason we are optimistic is because we have already understood how we can achieve success. And if we will go back to this graph for a moment, we will take a look at this graph that showed what we did in the late 1970s, early 1980s, when we set ourselves on a course to improve the efficiency of our cars, we almost doubled the efficiency of our cars and some of our trucks by using new technology that we developed here domestically in America. With a bipartisan effort in Congress, we called for a higher fuel efficiency and we got it.

□ 2030

And we got all the way up to about 1985, when you see something happened. We had this just absolute cessation of any progress in efficiency in our cars. You see, we had this very rapid buildup for car efficiency that literally stopped and became a plateau from 1985 to 2005. On trucks, we saw it stop in 1985 and plateau and absolutely go down a little bit. So today the average fuel efficiency of our fleet is actually less today than it was in 1985.

So you have to ask yourself, what happened in 1985? Did we just get

dumb? I do not think so. Since 1985, we invented the Internet, we mapped the human genome, and we have built several new generations of jets at Boeing, in my neck of the woods in Washington State. We have had all these tremendous technological advancements, but in the efficiency of our cars we have actually gone down.

Why is that? We just forgot how successful we could be, because Congress and the White House, for reasons I never agreed with at the time, stopped calling for more fuel efficiency in what are called our corporate average fuel economy standards, and so they stopped progress. So we are now still dependent on foreign oil, have a problem with global warming, and are losing jobs rapidly to the Japanese in fuel-efficient vehicles as a result of that very shortsighted progress.

Now, that is bad news; but it is also good news because it shows what we are capable of if America sets its mind to it to use its creative genius to move forward, and that is what we need to do today. And one of the things the new Apollo Energy Project will do is to call for new improvements in the efficiency standards of our fleets. But the project also recognizes that we need to help our manufacturers achieve that. So we dedicate a significant sum, several billion dollars, to our domestic manufacturers, people who manufacture cars within the United States, of whatever manufacturing company it is, to assist them in retooling their factories to build these new fuel-efficient vehicles.

And that is an important part of our package, because it recognizes that we need to help our domestic industry find a way to finance the changes to continue improvements like that which we know we can obtain. We think that there is going to be enormous money made and jobs created in fuel efficient vehicles. Today, I must say, a car that gets 42 to 44 miles a gallon, one of these hybrid cars, in Seattle, Washington, now you can sell it for more than you bought it for because of the attractiveness of this fuel-efficiency standard. Safe, comfortable car. We can do this in this country. We need to set our minds to it, and that is one of the things we have suggested to do in the new Apollo Energy Project.

Coming back to this idea about an alignment of the planets, about why we can achieve this, I think what we are seeing in this country is a rather unprecedented combination of people who normally might have some different viewpoints on various policy matters who are coming together to understand why we need a visionary high-tech future for our energy world. I want to read some comments by these folks who sort of suggest we need to go in that direction.

Dealing with global warming, for instance, I think you might be surprised at some of the statements that have been made. The CEO of British Petroleum, Sir John Browne, who has provided remarkable leadership on some

new high-tech solutions to global warming said: "There is a discernible human influence on the climate and a link between the concentration of carbon dioxide and the increase in temperature." That is the CEO of British Petroleum.

He is not alone. The CEO of Shell, Sir Philip Watts, on March 12, 2003 said: "We cannot wait to answer all questions on global warming beyond a reasonable doubt. There is compelling evidence that climate change is a threat."

You then have James Baker, former Secretary of State for the first President Bush, who said: "When you have energy companies like Shell and British Petroleum saying there is a problem with excess carbon dioxide emission, I think we ought to listen. I think we need to go forward with some sort of gradual resourceful search for alternative sources." This is a gentleman who was intimately involved with the first Bush administration, who recognizes that many people in corporate America are seeing a need for a real visionary change.

You see folks in the faith community who are now addressing the view that we have obligations to the Earth that are spiritual as much as aesthetic. Reverend Rich, and I am sorry if I mispronounce his name, Cizik, who is Vice President of National Affairs For the National Association of Evangelicals, said just this last month: "There is a feeling that global warming, or climate change, is real and the result of human impacts that impact other humans." The association itself issued a statement that said: "We affirm that God-given dominion is a sacred responsibility to steward the Earth, and not a license to abuse the creation of which we are part. We are not the owners of creation, but its stewards, summoned by God to 'watch over and care for it,'" citing Genesis.

You are starting to see a parallel thinking of folks from the fossil fuel industry, from former members of the Bush administration, from James Woolsey, former head of the CIA, from a group of the neoconservatives, many of whom supported the war in Iraq, from members of the faith community that we have a constellation of challenges that we need to have a new approach to; that demands us to use the asset above our shoulders, namely our brains, rather than just the assets below our feet, namely our fossil fuels. This is a gift from the creator, and we need to use it.

If I can turn for a moment about why we need to use this in regard to global warming, I would like to refer to a graph that is pretty unquestioned evidence of why we need to have a new energy on policy that will address global warming. You heard the comments from the Shell and British Petroleum CEOs, and they are doing some hard-headed thinking because we are facing some hard-headed facts.

There are some uncertainties about global warming: the extent to which it

will occur, how it will affect the specific climates of regional areas. There is much uncertainty. But there is also much absolute clear facts, and I want to go over a couple of those. As folks may know, global warming is caused by carbon dioxide. Carbon dioxide works like a pane of glass: it traps heat, just like a greenhouse. Hence the term "greenhouse gases."

Now, I actually had a scientist explain this to me a while ago. The way it works is that glass, like carbon dioxide, will allow ultraviolet radiation to come through it. When radiation comes from the sun, it is largely in ultraviolet ranges. And as you recall the spectrum of frequencies, this energy comes in at the ultraviolet frequencies. That can pass through glass. When it bounces back, when that energy is reflected back, it comes back at a different frequency. It comes back in infrared ranges. A different frequency. That cannot pass through glass, and it does not pass through a layer of carbon dioxide as much as it would in the absence of the carbon dioxide. So you have ultraviolet rays coming in, they bounce back as infrared rays, and they are trapped.

And that is a good thing, because if we did not have a CO₂ layer, we would be on a barren planet. You could not exist here no matter how thick your down coat was. So we need that layer to some degree of heating gases. The problem is if you have that CO₂ layer increase in density.

So has it? Well, the facts are very, very clear. This is a chart that shows a red line that goes back to the year 1000. It comes up in 100-year increments, coming up to zero, which is today, showing our concentrations. On the left of the chart are the concentrations in parts per million that are measured. And these are absolutely unquestioned measurements. Scientists do an assessment of the parts per million of the molecules in the air, and it is a direct measurement. Nothing speculative about it. No hypothesis. Every scientist in the world will agree to this.

And we know what the records are because we have air bubbles trapped in glaciers and ice cores that we have taken out thousands of feet down in the Antarctic, in Greenland, and other places. So we know what the CO₂ layer was back in the year 1000, which is pretty amazing, with just as much as we know it today, because we had the air trapped a thousand years ago in these air bubbles. We knew it was 278, maybe 280 parts per million, and it was very stable for just under a thousand years. Then you start seeing it going up just over 100 years ago, which of course coincides with the Industrial Revolution and burning coal and oil and gas. And then it starts to come up at a fairly rapid rate over the last 100 years. And during the last 50 years, it has gone up approaching a vertical level of increase.

So we are now up to, and I should have the number specifically, but in

the 370 parts per million range. There is no doubt about this. We can see that we have gone up a factor of at least a third over preindustrial times, and the scary thing about this chart is you will notice the rate of incline. It is almost vertical. So at the end of the century we will be at twice the levels of carbon dioxide as we were in preindustrial times. That is disturbing when you know carbon dioxide traps heat.

We know it has a close relationship to Earth temperatures, as these blue lines mark Earth temperatures. And of course for about the last 200 years, they are observed temperatures, and you can see they are going up with some deviation up and down during the last 150 years. Now, before that, they are not observed temperatures. They are worked out through a formulation of using a variety of mechanisms. If you go back for geological times, the temperature is gradient. It matches fairly closely this CO₂ curve.

So we know without a doubt that we are causing a spectacular increase in the CO₂ levels of the planet. The planet has never seen this before, ever, as far as we can ascertain through looking at these old air bubbles. We are doing something to the planet that has never happened before, and we are the ones responsible for it. The question is what is this Congress going to do about it.

Unfortunately, this Congress has done absolutely zero about this problem. It has wallowed in the fog of indifference and ambiguity and has refused to show any leadership whatsoever. And it is disturbing to me because, as you know, the consequences of this carbon dioxide is trapping energy in this Earth, and we are experiencing global warming already, and the vast majority, and I reiterate, the vast majority of the Earth's meteorologists and geophysicists believe that this is now causing and will continue to cause an increase in the general temperatures of the Earth.

Now, there is some variety as to how much that is predicted to be; but all of them, even the lower estimates of 2 to 3 degrees can cause very significant climactic effects. The differences between us and the last ice age were just under 10 degrees, even just Fahrenheit. So we have some very significant issues to deal with with global warming.

We have seen it already affecting our lives. Glacier National Park is predicted not to have glaciers in the next 50 to 70 years. When you want to take your grandkids there, you will say, This is where the glaciers used to be, Johnny. We are seeing melting tundra in Alaska. My son only had 3 days' work as a ski patrolman this year because there is no snow in the Cascade Mountains, a condition which is predicted to be much more frequent when this spike goes up higher. We need to deal with this problem.

So we have suggested, and I will introduce shortly and have introduced an amendment this evening to the energy bill to adopt the substance of this new

Apollo Energy Project. Because we believe we have to reduce our contributions of carbon dioxide to the Earth's atmosphere. And we can do that. The clearest most short-term things we need to do are to improve the efficiency of our cars, and we need to have a limitation on the carbon dioxide that we put into the atmosphere.

Senators McCain and Lieberman have introduced a bill in the Senate, I and some of my Republican colleagues have introduced a bill here in the House which will set a cap on carbon dioxide emissions from the United States.

□ 2045

It is a cap that we know we can meet. In fact, it was absolutely amazing to me, the Department of Energy last week issued a report that concluded that the cap that we set could be met by the United States without any significant economic harm. This is issued by a gentleman who is actually appointed by George Bush.

The Department of Energy has concluded that we are fully capable, using existing technology, of dealing with this issue by adopting a cap on the amount of carbon dioxide we put in the atmosphere, which will help spur some of these innovations.

What will we do to achieve it? Our energy and power bill takes a broad-based approach. There is not one panacea to these challenges we have, but it does take the approach that we should be optimistic about it and we should recognize that we can have the same success in the new industries that will spring forth to deal with global warming to grow new jobs, as has happened in the software, biotech, and aeronautical industries.

For example, number one, the United States needs to embark on a research and development project akin to the original project that got a man to the moon, the original Apollo Project, because we found when the Federal Government invests in basic research and development, amazing things can happen. We would invest significant sums in these emergent technologies, technologies that sometimes seem obscure but have tremendous capacity.

There is a company in my district called Neah Power that is developing a fuel cell battery, which runs on ethanol or methanol. It will be four or five times as long-lived as a lithium battery with no emissions, completely safe, and will help to spur the development of fuel cells that we hope to become a significant part to the solution to this puzzle. They are small now, but tend to grow over time. A small company, but here is a place we can help, and we hope that this company is going to help the American military pack less weldy, safer, and more effective batteries to fuel our communication systems.

But the point is, we need to continue the research and development of the nature and scope that got us to the

moon. Not every invention is going to work out and not every idea is going to come home, just like in the space program, but it is a worthwhile investment.

Second, the Federal Government needs to use its procurement power to inspire these new industries. We need to have Uncle Sam order some of these new products to inspire these new products.

Third, we need to use the power of the government to recognize success. I want to talk about some success and what the Federal Government ought to be doing. For instance, solar power.

If I can share a success story in Virginia, this is a picture of a home just a few miles from here in Hillsboro, Virginia, built by Alden and Carol Hathaway. They built this home for \$365,000, which is not that much more expensive for a home in this neck of the woods, and it is a "net zero" home, "net zero" meaning it does not use any energy from the electrical grid. But it is comfortable, it is nice looking, it is warm, and it is nonpolluting. They did this by using existing technologies.

They used an integrated solar cell built right into the roof of their home, which creates electrical current. They used an in-ground heat pump which is tremendously efficient. They used very high insulation values in the walls and windows, and some passive solar in how they aligned their home; and their home has a net energy consumption of zero.

That does not mean it is never using juice off the grid. At times there is electricity coming into their home, but other times they are generating more from the sun and they are feeding it back into the grid so the net is zero. They did this on a fairly economical basis.

I point this out for the reason I want to show success today. This is not just tomorrow's sort of futuristic world from the Jetsons, if anybody is as old as I am and remembers George Jetson. This is today's technology.

An amendment that I believe will be in the bill tomorrow or Wednesday does allow and call for the Federal Government to start a program to equip Federal buildings with solar cell technology. The reason that this makes sense, solar cell technology is much more economical. The more you buy, the price of solar cells comes down dramatically. Every time we increase the number of solar cells we buy by a factor of 10, the prices come down 20 percent. It is still more expensive than buying electricity from a gas turbine, but it has its place.

We believe if we increase dramatically the number of units, we will continue to see a decline of that cost curve so we will be able to enjoy what the Hathaways are enjoying tonight in Virginia.

Now, we have to do some things to get that done.

I am a supporter of a bill called the Net Metering bill, which will require

utilities to buy back your power from you so your meter runs backwards when you feed electricity back into the grid. Unfortunately, that will not be in the bill Wednesday. It is one of those long-term things that we have to do.

Third, we have to give incentives to Americans to help them make these choices. For some of these technologies that are still just a little bit above market base, we need to increase the amount of a tax break we give to Americans who drive fuel-efficient cars. We need to do the same thing for the manufacturers of fuel-efficient vehicles. For the retooling investments, we need to give an assist to our domestic auto industry when they do the retooling that they need to do for fuel-efficient cars.

We need to have better tax breaks when you buy an energy-efficient home, and a way to get a better mortgage lending rate for energy-efficient homes. We need to use all of these multiple tax levers to help Americans when they take that step up to better fuel- and energy-efficient appliances. Unfortunately, that is not in the bill that we will have Wednesday.

Instead of helping Americans move forward to these new technologies, technologies that we have today, fuel-efficient cars we have today, the energy bill we will consider Wednesday will go backwards to give the subsidies to these old industries that started to reach fruition in the late 1800s. That is most unfortunate.

Fourth, we need to do some things on the regulatory side, one of which is the CO₂ cap that I talked about. Another is the CAFE standard to improve the auto efficiency of our vehicles. Those are all measures that, together, could have a significant impact. We have already seen some successes, such as what we have seen in the Hathaways' home.

So let me talk, if I can, about the job creation aspect of this. We have a real problem with manufacturing industry job loss in this country. Since 2001, we have lost 2.8 million family-wage manufacturing jobs. We have had a significant number of losses in a host of industries, but now we have an opportunity. This might be one of the greatest job creation opportunities that the country has right now.

We know, as the Creator makes little green apples, jobs are going to be created by the millions in the new industries that, by necessity, are going to be built to deal with the shortage of oil, to deal with global warming. And the shortage of oil, folks ought to read this book about the peak of oil production that is now on the market. It will make you very concerned about your future oil prices because it suggests that our oil production globally has plateaued and will go down in a decade or so, together with China having a demand that is astronomical. China will be equivalent to America's demand for autos in the next decade and a half. We have to find some alternative mecha-

nisms of energy, both in efficiency and new systems.

Somebody is going to get jobs doing this, and we think it ought to be Americans. We do not think we should give these jobs away to our friends in Japan, or give the wind turbine jobs to Denmark. We think those jobs ought to be here.

And a very conservative estimate of our new Apollo Project, done by an economist in Waco, Texas, concluded that our program would create 3.3 million good-paying American jobs in the next 5 years. That is a significant step in the short term to help rebuild our manufacturing base. It would increase \$1.4 trillion in new gross domestic product, add \$953 billion in personal income. This is an assessment done by a reputable economist from Texas.

By the way, Texas has done some good things in wind energy. Wind energy is having some spectacular success, growing at 30 percent a year. In southeastern Washington, in my district, we have the largest wind plant farm in the United States. And we have five new wind farms under construction in the State of Washington.

The other interesting thing about energy efficiency is, it creates more jobs than the fossil fuel-based industries. It creates 21.5 jobs per \$1 million invested compared to 11.5 for natural gas generation.

This is a job-creating technological solution to an old, dinosaur-based fossil fuel-based economy. This is our destiny as Americans to fulfill it. We are the inveterate tinkers. We are the best people at inventing solutions technologically to problems of any people in human history. This is now our moment when the U.S. Congress ought to be seizing this opportunity, just like Kennedy suggested we do in 1961, and bring those jobs and that bright light of creativity to our country.

The environment demands it. The glaciers and national parks demand it. Our children, who should not be living under slavery to Middle Eastern oil, demand it. We should not have to worry about Middle Eastern politics again when we break our addiction to Middle Eastern oil. We should not be wrapped around the axle of the Saudi Arabian royal house and whatever difficulties they have. We are slaves to whatever is going on in Saudi Arabia, and it is not a place that we deserve to be.

Lastly, we ought to use our technological prowess to make sure we are the number one job creator in the world for these emerging industries. That is our destiny and that is why I will be joining some of my colleagues in introducing the new Apollo Energy Project in the next week or so. We know at some time it is going to get done, maybe not this week, but the stars are aligning and those who share my view, I welcome you to share you views with your Member of the U.S. Congress.

Mr. PAYNE. Mr. Speaker, I rise today to add my voice to those who would commemo-

rate Earth Day 2005 by pledging our efforts to ensure that our children's children may enjoy the same Earth we celebrate today.

And it is those children who will pay the price if we do not.

Children are usually at greatest risk of suffering environment-related health problems, with race and poverty playing a disproportionate role, especially minority children from families living below the poverty line, according to EPA reports.

Concern that minority populations and low-income populations bear a disproportionate amount of those adverse health and environmental effects led President Clinton to issue Executive Order 12898 in 1994, in order to focus Federal agency attention on these issues, leading to the establishment of the office of Environmental Justice Strategy at the EPA.

The EPA defines Environmental Justice as the "fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies."

This has long been a concern of the environmental community, especially among minority and low-income communities who have come together to organize and fight for equal protection under the law.

The environmental justice movement really got its start in Warren County, North Carolina where a PCB landfill ignited protests and resulted in more than 500 arrests. These protests prompted a U.S. General Accounting Office study, *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*, which found that three out of four of the off-site, commercial hazardous waste landfills in Region 4 (comprising eight States in the South) happened to be located in predominantly African-American communities, although African-Americans made up only 20 percent of the region's population. More important, the protesters put "environmental racism" on the map.

Since that time, attention to the impact of environmental pollution on particular segments of our society has been steadily growing in the form of the Environmental Justice Movement. This movement contends that poor and minority populations are burdened with more than their share of toxic waste, pesticide runoff and other hazardous byproducts of our modern economic life.

The EPA's Office of Environmental Justice Strategy was created to address these issues, but thus far has done little to improve the situation for minority and low-income communities.

In fact, an EPA Evaluation Report released last year found that 10 years after its issuance, the EPA "has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations. EPA has not identified minority and low-income, nor identified populations addressed in the Executive Order, and has neither defined nor developed criteria for determining disproportionately impacted." It goes on to say that when the Agency restated its commitment to environmental justice in 2001, they did not emphasize minority and low-income populations, which was the intent of the Executive Order.

The report found that even after 10 years after its implementation, the EPA had not developed "a clear vision or a comprehensive

strategic plan, and has not established values, goals, expectations, and performance measurements."

We must continue to bring attention to the documented environmental health disparities suffered by low-income and minority communities throughout the country, raising awareness so that together we might seek solutions. I call upon the Office of Environmental Justice Strategy to make this issue a priority as it was designed to do more than 10 years ago.

This is a very real threat for my constituents. The EPA has announced that the entire State of New Jersey is officially designated as out of compliance with the agency's health-based standard for ozone. The entire State is out of attainment for smog, and all counties that are monitored for soot levels are also out of attainment.

Studies have shown that New Jersey's air pollution levels cause 2,000 premature deaths every year. At this rate, pollution ranks as the 3rd most serious public health threat in my State. Only smoking and obesity kill more New Jerseyans each year.

In addition, child asthma rates are on the rise—especially in our cities—and the threat of mercury pollution puts all of us at risk, but most especially infants, children, and pregnant women.

The Bush Administration's efforts to weaken protections established under the Clean Air and Clean Water Acts have compromised the long fought-for protections we have won since the Inaugural Earth Day back in 1970. We must stand firm in our objections to environmental policy that favors industry at the expense of nature and public health, and we must oppose irresponsible legislation, such as Clear Skies, that claim to protect the environment even while it is attempting to degrade it.

As we celebrate Earth Day, I hope that all of us can pledge to do more than just talk about these issues and to commit to act in support of those things which we speak about so passionately today. We must dedicate ourselves to full enforcement of the Clean Air and Clean Water Acts. We must rid our lakes, rivers, and streams of dangerous mercury pollution to ensure the safety of all Americans. We must oppose any more delays and restore full funding to the clean-up of toxic waste sites that threaten the health and safety of our Nations children. We must take seriously the threat of pollution to public health and act to alleviate the suffering of the urban minority and low-income populations, as well as the 5 million American children who now suffer from asthma.

These are big goals, but the stakes could not be higher. We must protect our precious natural resources and the health and safety of all Americans, especially urban, minority, and low-income populations who bear the brunt of our failure to do so.

GENERAL LEAVE

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from Washington?

There was no objection.

SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Minnesota (Mr. KLINE) is recognized for 60 minutes as the designee of the majority leader.

Mr. KLINE. Mr. Speaker, I am pleased to be here this evening to continue the discussion of Social Security, what it is, where it is, what we think the problems with it might be, and what some of the solutions might be. I know some of my colleagues have been in a discussion on this important program for the last hour or so, and they plan to join me shortly.

I would like to start by laying out for my colleagues the history of Social Security, what it was, what it has done for Americans, and where it is today.

□ 2100

Social Security, as most Americans know, has been a terrific institution that generations of Americans have relied on. It is a system that I think most of us would agree has to be preserved and protected for our children and our grandchildren.

Mr. Speaker, my 84-year-old mother has been drawing Social Security, and she is at that point where it is her sole source of income. She relies on it very heavily as do millions of senior citizens, and we certainly want to make sure that all of those senior citizens get every dime that they are expecting to come their way. But we also need to make sure that our children, and my children are in their thirties, it seems every day they age another year, an indication of how old I am getting and how rapidly, my children are in their thirties and their children, my four wonderful grandchildren, are 6, 5, 3 and 3. We need to make sure that as we look forward to the future of Social Security that it is there for our grandchildren as well.

I think most Americans, but not all, and most of my colleagues know that Social Security does much more than provide for a retirement, for assistance in retirement. It provides spousal benefits, survivor benefits, dependent benefits, and disability benefits. I believe that my colleagues on both sides of the aisle would like to make sure that those benefits, that that security, that that safety net continues into the future for our children and our grandchildren.

Social Security has traditionally functioned as a pay-as-you-go system. When President Franklin Delano Roosevelt brought us Social Security back in 1935, it was a contributory social insurance program. What does that mean? That means that workers put in and workers receive benefits. All workers pay in; all workers receive benefits. It really was not designed as an investment program. It was not designed to do anything other than provide some

insurance for you when you reached your retirement years. We have paid for it by taking taxes from the wage earner. When President Roosevelt started the program, we took 1 percent from the employee and 1 percent from the employer. Two percent of the first \$3,000 earned was taken up in Social Security taxes to pay for the benefits of current and future retirees. Today's workers support today's retirees through a 12.4 percent tax, one dollar in every eight, half of it paid by the employer, half of it paid by the employee, on the first \$90,000 they earn each year. What a difference, 2 percent to 12.4 percent. Two dollars in 100 to one dollar in eight. The program has changed.

It has changed in another fundamental way that I think that all of us, Mr. Speaker, need to be aware of. As late as 1950, and I will refer to the chart here beside me, there were 16 American workers paying for every one beneficiary. Today, we are down to 3.3 Americans working and paying taxes for every beneficiary. Again, what a demographic change in America, a demographic change in the United States, for many reasons, life expectancies are longer, and that is a good thing, we are living longer, healthier lives, families are smaller, and that trend continues. So by 2035, 2040, when younger workers retire, we will have only two Americans working for every retiree. That is a pretty tough load for younger workers to shoulder.

What does that mean in terms of money in the program? As I think most Americans know, we have been taking in those taxes, we have been paying out benefits and taking the excess money and putting it into a trust fund. I am going to get to that trust fund and talk about it in just a minute. But we need to also be aware, I think it is important for us to understand in the current system how benefits are calculated, because as we look to ways that we might need to strengthen Social Security, we need to understand the current system; and I would like to take just a minute to talk about how that works.

The Social Security Administration looks at every working American's working life, all the years that they have worked. So if you, like me and many Americans, you started off working with a paying job in the grocery store or maybe the newspaper or something when you were 16 or 15 and you work until your full retirement age, which by the time younger workers retire under the current system is not 65 anymore, it is 67, you could have been working and paying Social Security taxes for 50 years. The Social Security Administration takes those 50 years and they take your most productive, your highest paid 35 years, and they put it into a formula and, like everything these days, they do not sit down with a hand calculator, there is a computer that has a formula that actually weights the system so that you get a

little bit higher percentage, if you will, if you are a lower-paid worker and a little bit less if you are higher paid; but they put it into the mill, they take those highest 35 years, they average it out, an index is put to it, and you come up with a number and that is your retirement benefit. That is your monthly check, which as our current retirees know, that is adjusted for inflation every year. That is how it works today.

I mentioned that with the increased life expectancy and the smaller families and the lower number of workers per each retiree, we get into a cash flow problem, that is, at some point we are not going to be taking in as much money as we are paying out if we get to the point where there are only two workers for each retiree.

Let us take a look at another chart here. There are, I suppose, many ways to do this. I have been holding some town hall meetings back in my home district, the Second District of Minnesota. One chart that I have often shown shows that our costs are exceeding our revenue. Another way of talking about it, and I have used this chart as well in those town hall meetings, is to show that in the near term, we are taking in more money in FICA, more money in Social Security taxes, that is this dark little bump right here, than we are paying out and that excess money is being marked and put in special Treasury bonds redeemable only by the Social Security Administration, the trust fund, to pay future benefits.

But the Social Security Administration, the trustees report annually as they look forward to the projections for upcoming years what the health of Social Security is. Their latest report, which came out about, oh, 6 weeks or so ago, last month, said that in the year 2017, just 12 years from now, right here on this chart, that we are going to start paying out more money in benefits to retirees than we are taking in in Social Security taxes. More money going out than we are taking in. That puts us into a cash deficit situation.

What are we going to do about that? The Social Security Administration also pointed out in that report that the Social Security trust fund, those special-issue Treasury bonds, will run out of those bonds in the year 2041. So at least on paper for a few years, we will be able to pay those benefits out of the Social Security trust fund by redeeming those special-issue Treasury bonds.

The challenge for us here in this House, in this Congress, is how are we Americans going to redeem those bonds in order to meet our obligation to retirees? That is something we need to think about, because the situation does not get any better in the next 5 years or 10 years or 15 or 20. It does not get better. In fact, even when we have redeemed those bonds, as I mentioned earlier, the Social Security Administration says that by 2041, there are not any bonds left to redeem, and so we are back to that position, we are back to this situation where we have two workers for each retiree.

Mr. Speaker, it seems to me that is a situation that we have to address. It is our responsibility to address it. The need to address it is now, because there is another little bump here that I think is important to us. In just 3 more years, the leading edge of the baby boomers start to retire. You can see the way the line changes that we have less money coming in and more money going out because those baby boomers, and I have to admit that I am one of them, baby boomers are going to start to earn retirement benefits, take retirement benefits. We start on a down slope, and by 2017 we cross that line. We need to decide what we are going to do about that for the near term and for the long term.

Those Treasury bonds, I have heard some people say, I was in a town hall meeting and some young man stood up, he was about the age of my children, actually perhaps a little younger, I think he was around 30, and he said, well, you know, I'm planning on not having any Social Security whatsoever. There's not going to be anything there for me. I know that is a sentiment that is sometimes widely shared, but let us be honest, that is not true. Even under the current system, there would be something there in Social Security. I think the administration is forecasting now that because there are only two workers for each retiree, that there will be some money coming, around 75 percent of what would have been expected. That is a horrible return. It is a horrible rate of return for a young man or a young woman who pays into Social Security all their life for the benefit of current retirees; and when their time comes to retire, the best that they can hope is 75 cents back on the dollar that they were expecting. By the way, if they are going to get the 75 cents on the dollar, that assumes that they are going to live a full life. It just seems to me that we need to be able to do better for our children and for our grandchildren.

I see that my colleague, the gentleman from Arizona, has arrived. I know he has been working on this for many years and has a proposal of his own, and I want to yield to him in just a moment; but it is interesting to me that when I have a town hall meeting, and it does not matter if there are 50 people or 100 people, they tend to be with the senior citizens who are very interested in this subject, they understand what it is, they receive Social Security checks; but when I ask the question, how many of you think that we need to do something to fix Social Security for our children and our grandchildren, it is now almost every hand in the air. When I first started to ask the question weeks ago, not every hand went up. But I think more and more Americans understand as we continue this dialogue and as we continue this debate, their understanding is that there is a problem and we need to do something to address it.

I yield to the gentleman from Arizona (Mr. KOLBE) who has done an awful lot of work on this subject.

Mr. KOLBE. I appreciate the gentleman from Minnesota for yielding, and I thank him for taking this hour of time here this evening to talk about this issue. It is one which is of such great importance, not just for the current generation, not just for those who have retired, but for the next generation, for those who will retire in the future.

□ 2115

I listened to him earlier talking about some of the elements of this problem. I think he has outlined them very well.

The problem with Social Security is relatively simple, or the problem that we have with the current system of Social Security is relatively easy to define. And that is that we have people living longer, we have more retirees, and we have fewer people coming into the workforce to pay for them.

That chart that the gentleman has up there, I think shows it so very well. At one time, in 1950, we had 16 people working for every person that was retired. Today it is a little over three people, and in a few years, a couple of decades, it will be two working people for everyone who is retired. That means two working people at each month have to pay sufficient taxes to cover the benefit that one single person is going to receive from Social Security. It is not sustainable over the long term, and it cannot go on in that fashion. So we need to do something about it. And I think the gentleman is right for coming to the floor tonight to suggest that this Congress needs to deal with it.

I am really surprised and somewhat frustrated and chagrined at some of my colleagues on the other side who simply say there is not a problem, we do not need to deal with this, we are not going to try to fix this thing, we do not have to fix this thing now, we can do it sometime in the future. Every year that we delay this becomes more costly.

As the gentleman noted, I started introducing a bill 7 years ago with Congressman Stenholm, now with the gentleman from Florida (Mr. BOYD), and our plan is still the only bipartisan bill which has been introduced in Congress. And when we began with that legislation, we had certain costs to it, but each time, each Congress that we have reintroduced it, we, of course, have had to adjust, and we are closer now to the dates of when revenues will be less than the benefits being paid out, and that just makes it more costly to fix.

It is not very far away. In fact, in one sense a really critical date comes in just about 2 fiscal years, in the year 2008, and that is when the revenues actually start to decline. At that point we are going to have to be doing more borrowing because Social Security is going to be covering a bit less of the

deficit that we have right now in the general operating part of the budget. But the critical year really is in 2017 where the lines cross, which the chart that he has in front of him there shows. At that point, the benefits being paid out exceed the revenues which are coming in, the taxes that are being paid in. So Social Security has to go to those bonds that it has.

The President went the other day to Parkersburg, West Virginia, to take a look at that, and I think we all know what he saw there. A couple of filing cabinets with a lot of paper in it. There is nothing really in the trust fund. There never has been anything in the trust fund. It is not as though somebody robbed it. It is as though it was never created to be that way. The money has simply always gone straight into the Treasury and has been used to cover other operating expenses with the promise that some day the government would redeem those IOUs and use those to pay the benefits. When we start redeeming those, it is going to be very costly because we are going to have to be doing borrowing, as the gentleman knows very well.

That is why this is such a critical problem and why we really need to deal with this issue now and not wait, and I really commend the gentleman for coming to the floor to talk about this.

I am going to listen for a few more minutes, and then I would like to participate again because I think I have some thoughts about the ways in which we go about fixing this because there is a fairly limited number of ways in which we can go about fixing it.

I thank the gentleman for yielding to me.

Mr. KLINE. Mr. Speaker, reclaiming my time, I thank the gentleman very much for his hard work on this important subject and for joining in the discussion here this evening.

I would like to talk about that trust fund again for a few more minutes because the gentleman is perfectly correct. The President went out to West Virginia and took a look at the filing cabinets where the bonds, special issue Treasury bonds are being held, redeemable only by the Social Security Administration, unlike other government bonds that are issued. And we have to redeem those things. In order to meet our commitment to retirees when we stop taking in as much money in Social Security taxes we are paying out in benefits, we are going to have to redeem those.

And they are very much like an IOU. I do not mean to say that in a derogatory way, but in this particular case because of these special bonds and the way they work, we, all of us in America, all of my colleagues, we have to redeem those bonds out of the general fund. We borrowed it from ourselves; now we have to pay it back to ourselves. And sometimes in a town hall meeting, someone says, That is easy, just pay it back.

That is going to require a great deal of sacrifice on the part of Americans as

we look to see where we are going to get the money to pay those back.

And more than that, as I mentioned earlier this evening, even when we redeem those bonds and we pay it back so that retirees get their benefits, by 2041 the Social Security Administration says those bonds are going to be exhausted. And I suppose we could spend a lot of time on the floor of this Chamber, as we are wont to do, to debate whether that year is really 2040 or 2039 or 2042 or 2043. The point is, once we redeem those bonds, and it is a major challenge for all of us to decide how we are going to do that, those bonds are gone and our children and our grandchildren will be receiving only 75 cents on the dollar they expect.

So as the gentleman said earlier, it is a problem that cannot be pushed off. It is something that we have to address in this House, in this body, quickly.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. KLINE. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman's yielding again.

First of all, I think we have succeeded in one very large way, and that is that the American people, as the gentleman pointed out, do now understand there is a problem. He goes to a town hall; I go to a town hall. He talks to people, and people understand there is a problem. Polling data shows that 80 percent of Americans now think there is a significant problem with Social Security, and Congress needs to fix it.

So they are expecting us to do that, and I think the fact that he has come to the floor that there are a lot of proposals, mine, a number of other proposals that are on the floor that have been suggested. The one that I have with the gentleman from Florida (Mr. BOYD), I might add, is a bipartisan approach to it.

But I think that people do understand there is a problem and that we need to fix it, because as the gentleman pointed out, if we do not do anything, those IOUs, even the borrowing from the IOUs run out at a certain point, and that is somewhere, we believe, about 2041 is what the projections are today; and when that happens, if we have sat here all these years and done absolutely nothing, there would be an immediate 26 percent cut in benefits. The gentleman probably will not be in Congress. I know I will not be in Congress at that point. He might be around for a while longer. But at that point there would be a political revolution in our land if we had not done anything at that point. So it behooves us to fix it now while we have a chance to do it when it is not as costly, and I think that is what the gentleman has pointed out here tonight, and I appreciate his talking about this.

Mr. KLINE. Mr. Speaker, reclaiming my time, the gentleman mentioned that there are a number of proposals. I found it interesting, as this discussion

has moved forward and I was trying to keep track of what those proposals involved, that there were so many of them that I simply could not keep them organized in my head and decide which ones had personal accounts, which ones did not, how big the accounts were, how they address solvency.

So there is a wonderful young woman on my staff, and I know the gentleman understands how that works, we are so dependent on the bright folks who work with us, but she put together a table, and I know people cannot see it from here, but I will show it to the gentleman, that has these plans going across the top and the different aspects of them. And right now there are up to 14, I think, on my chart here of different ideas that people have brought forward to address this issue.

And I think that is a healthy thing as we move into the debate. There will come a time when we will need to have a debate and have a bill or amendments on the floor and move to a solution, but I am firmly convinced that it is absolutely critical that we do that sooner rather than later.

In these plans, many of them, most of the ones that I have on this chart because it has been my colleagues from this side of the aisle who have come forward with the proposals for the most part, and the gentleman mentioned he has a bipartisan bill that they are looking at, but these proposals include personal accounts as part of the solution for the long-term solvency of Social Security. And there are differences in all of these, and I know the gentleman was earlier this evening in a roundtable discussion with some other authors of bills as the pros and cons of the different measures were discussed, but I think there are some things that are common that we all need to keep in mind.

All of the proposals on my chart here, which includes the outline that the President had, have recognized that we have retirees today and those about to retire, Americans born before 1950 that will not be affected by whatever our proposal is. And I think that is important for the peace of mind, I think, of my 84-year-old mother and her friends. They do not want to contemplate a change in the program, even though many of these programs virtually guarantee that everyone will get a benefit very much like the one they are getting, in some cases more of a benefit. But we need to reassure all of the seniors in our districts and our family that they will not be hurt; their program will not be changed. Their Social Security check will not be affected by the issues that we are debating here in the House today.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. KLINE. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I think the gentleman has made a very important point, one that we need to stress, because there are a lot of people all over

the place in various groups that are not interested in seeing this problem fixed. They have been trying to scare a lot of seniors, and it is wrong to do that because none of the plans, not one of the plans that are on the table suggest that there is going to be any change in the benefits for those who are retired today or for those who are near retirement.

So I think it is very important, as the gentleman said, that his 84-year-old mother understand, and all our other senior citizens understand, that we are really not talking about changing any benefits for them.

We are talking about the next generation. We are talking about their grandchildren, how could we fix it for their grandchildren so that their grandchildren will be able to say that there is something in the Social Security system that is going to be there for me.

A person who is retiring today has less than a 1 percent return on all the taxes they have paid over the years up to retirement in terms of what they are going to get out of it between now and their expected death. A person who is coming into the workforce today at the age of 21 will have a negative rate of return. In other words, they will lose money based on what they are going to pay in taxes versus what they are going to get in benefits. So it is a bleak system for young people, and we need to do something to strengthen it for them.

Mr. KLINE. Mr. Speaker, reclaiming my time, I very much appreciate the gentleman's comment that there are some scare tactics out there, and that is unfortunate because when I look at all of these plans that are across here, and it is the whole range, the gentleman's plan, Senator GRAHAM's plan, the gentleman from Florida's (Mr. SHAW) plan, the President's, the AARP's, and others, I do not think that there are any of these plans that want to do any harm to Social Security for the long term. They do not want to leave our children and our grandchildren holding the bag.

They would like to make sure that something is there, and it troubles me when evil motives are attributed to those who are working the best they can, the hardest they can, to find a solution to this horrific cash flow problem that we are facing and to the fact that we are going to be down to two workers for each retiree by the time my children and grandchildren retire.

We need to work to find a solution for that, and I, for one, am perfectly willing to listen to proposals from my colleagues on either side of the aisle, and I believe those proposals, certainly those on this page in front of me, come from people who sincerely want to make the system better.

Mr. KOLBE. Mr. Speaker, if the gentleman would yield once more, we can take that issue off the table, then, that we are not really talking about changing the retirement benefits for those

who are retired today or near retirement so we can clear that off the table. Then we need to turn to the issue of what is it we need to do to strengthen Social Security and how do we do it, how do we accomplish that?

I do not think the gentleman has his chart down there, but there are really only three things that we can do with Social Security. One is we can raise taxes, we can cut the benefits, or we can increase the rate of return on what one has in the account in their investment.

So it is one of those three things that we can do, and that brings me to what I want to talk about, if I might, why personal accounts are important. I am not going to talk specifically about my legislation tonight, but I want to talk about what is a key cornerstone, I think, of most of the plans that are out there, and that is the personal account.

□ 2130

Why are personal accounts important? Because personal accounts, frankly, they do not fix the solvency of Social Security; they do not fix it. You have to do other things to make sure that Social Security is solvent. But the personal account is that link to the next generation. It is the promise to the next generation of young people that there will be something in the Social Security plan that will make sure they do not have a negative rate of return. Because if you have a personal account that grows, that can actually grow, you are going to have a better retirement than you would have otherwise.

So the personal account is absolutely important. It is important both economically and politically. Economically, to ensure that the young people have a better rate of return, have a retirement that will yield them, really yield them something, bring them something. But politically it is important because it is necessary if we are going to shore up the support for Social Security among young people.

Those who are opposed to doing anything about this are very shortsighted, in that they are risking losing political support for a plan that we all know is very, very important. The longer it goes on and the rate of return is less and less for people, there will be less support for Social Security. We need to do something to fix that, and that is why personal accounts are so important. I appreciate the gentleman yielding to me.

Mr. KLINE. Mr. Speaker, I thank the gentleman for making that point. It does seem to me to be unacceptable that we are looking at a system that is going to provide a 1 percent rate of return or a negative rate of return. I think the gentleman, in an earlier discussion we were having on the floor, made the point that in some cases it is not only no return, but a horrific rate of return, and I think his example was the single parent. He used the example of the single mother who is 57 or 58

years old, we will use 57, my age, has a couple of children, they are through school, they have graduated high school; and this woman started work when she was 17, she has been paying into the Social Security system, has paid her Social Security taxes faithfully for 40 years, and then tragedy strikes and she dies, and her family gets nothing; a \$255 death benefit I think it is today for the thousands of dollars that she has paid into the system. It seems to me we ought to be able to do better than that, and I think that we can.

When we look at the proposals that are out there, there are a wide variety of them, as I mentioned earlier, and the gentleman explained some of the important reasons why a personal account needs to be an important part of this. He said that a personal account does not fix the solvency issue. I might argue that if the personal account is large enough, it will fix the solvency issue, as these plans vary widely insofar as how much money is put into these accounts. But, in any case, it is part of addressing the solvency issue because of the higher rate of return, because of the higher growth, it puts more money into the system and helps us get at this problem of cash deficits.

It also takes money off the table, money that is in a personal account that cannot be used to fund other programs. I found in many town hall meetings people would say, well, you, Members of Congress, you spent the money on other things. If it is in a personal account, it cannot be used to fund other things; and as I mentioned in the example of the 57-year-old man or woman who dies early, in a personal account, they can leave that money, the money in the account is inheritable, they can leave it to their children or their grandchildren, so they do get something back for their 40 or more years of paying into the system.

Well, the debate is an important one. I am glad that it is engaged. I think that it is important that we recognize that we need to work together and try to address these problems. These are not uniquely Republican problems or Democrat problems; these are the facts of the program as it exists today, as it has worked for the last 60 years. The virtually inescapable change in demographics, again, that is not a Republican prediction or a Democrat prediction, or an administration prediction; those are the predictions of the actuaries of the Social Security Administration itself.

So we know that we are facing, we are facing a problem with Social Security. I am pleased to see that Americans, apparently from coast to coast, and certainly in my district in Minnesota, have recognized that we have to do something.

I believe that as the debate goes forward, we will see that there are some clear benefits to including personal accounts as part of, as part of the solution, because of the enormous potential

for growth through the power of compound interest investment in very diversified funds, which may or may not include any stocks.

I know there is a fear out there sometimes when I am talking to my constituents and they say, well, we do not want to put it in the risky stock market; what if we are about to retire and the stock market crashes and we lose all of our money. There are a couple of things about that. Almost all of these programs on this big chart include a combination of traditional Social Security benefits and those in your personal account. Most of them require that the funds in the accounts be invested in very diversified accounts; and most of them would encourage, if not insist in some cases, that the money be invested in virtually risk-free instruments, bonds, or the like as one gets closer and closer to retirement, so that one's retirement would not be affected by any fluctuations in the market.

There are a wide range of approaches. Those with personal accounts call on that wonderful power of compound interest to grow the money in the account and, therefore, grow the money overall in Social Security and start to address that solvency issue. There is much debate still coming up. I look forward to the continuing discussion.

I would like to just close by sort of recapping for the benefit of all here that there are some problems which we have to address. Social Security's financing is unsustainable without change. As I said, most Americans recognize that. We are taking in more money than we are paying out in benefits, but that is going to change. It is going to change in 2017 when we start to pay out more benefits than we take in in taxes. That is rapidly approaching us. The baby boomers start to retire in a very, very few years. We need to get at that system, fix the system so that it will be there for not only my 84-year-old mother, not only for my children who are in their 30s, but for my four wonderful grandkids as well and for all of my colleagues' grandkids.

DEGREE OF SKEPTICISM SURROUNDING INVESTIGATION OF OKLAHOMA CITY BOMBING

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, on March 23, my office received an extraordinary tip that a stockpile of explosives remained undiscovered by the FBI in the home of Terry Nichols, one of the two men convicted of the mass murder of 168 Americans in the bombing of the Oklahoma City Federal building. What made this tip even more provocative were the informant's claims that the FBI had been contacted weeks earlier and that nothing had been done to recheck the location.

On March 31 the FBI finally raided the small-framed home of Terry Nichols; and after 10 years of insisting that the location had been thoroughly searched for evidence, the FBI found a yet-to-be discovered stash of bomb-making materials, blasting caps and the rest. That this discovery is relevant to the Oklahoma City bombing case is an understatement.

If nothing else, this episode justifies a degree of skepticism about the claim that all the relevant facts concerning the Oklahoma City bombing have been uncovered and/or disclosed. After serving for 8 years as chairman of the Subcommittee on Space and Aeronautics of the House Committee on Science, this year I was pleased to be reassigned to head the Subcommittee on Oversight and Investigation of the Committee on International Relations. Already we have conducted several hearings into the scandal and malfeasance involving the United Nations Oil-For-Food program.

But as chairman of the investigative arm of the Committee on International Relations, I was asked by several people whom I respect to direct my attention to the Oklahoma City bombing and to a possible foreign connection. That this mass murder of Americans was accomplished by two disgruntled veterans acting alone seems to be the conclusion reached by those in authority. However, there are some unsettling loose ends and unanswered questions that deserve to be considered before joining those affirming the official explanation.

I promised to honestly look at the information available from official and unofficial sources to determine whether or not a hearing of my subcommittee would be justified in this matter. I have yet made this determination. However, my limited personal inquiry has brought howls of anguish, even from friends who have warned me, oh, you will hurt yourself and be called a conspiracy nut even for considering a hearing. Well, admittedly, when listening to these howls and people pulling out their hair, my reaction inside has been, as Shakespeare once said, "Me thinks that thou doth protest too much." So I am and have been proceeding on a personal inquiry into this matter. The day I walk away from trying to determine the truth of a matter of this magnitude because of possible personal attacks is the day that I will lose respect for myself and for the system.

The Oklahoma City bombing was the worst and most deadly terrorist attack on Americans in our history up until September 11, 2001. Those monsters who built the ammonium nitrate fuel oil bomb and detonated it next to the Alfred P. Murrah Federal Building in Oklahoma City slaughtered 168 of our fellow citizens. Nineteen of them were children. The bomb went off at 9:02 a.m. April 19, 1995, 10 years ago today.

Of course, in situations like this, it is unnerving to think that those we trust

to defend us from mayhem and slaughter may not have done their jobs. I am sorry, but that is what we found after 9/11. Our intelligence community had let us down. The Oklahoma City bombing may or may not fall into that category. The fact that Terry Nichols' house, a central focus of law enforcement officials, was not thoroughly examined, is one of those items that justifies a certain level of skepticism about the other assurances by those in power who were investigating this monstrous crime.

Furthermore, I am not certain that this site, Terry Nichols' home, would have been reexamined if it had not been known that I was considering a congressional hearing. So with a skeptical eye, we need to look into this matter, consider the questions being raised, and honestly assess the explanations we are given. Honest, hard-working, patriotic, responsible professionals led and were part of the investigation into the Oklahoma City bombing. My assumption is that all of them were highly motivated and committed to truth and justice. My experience tells me, nevertheless, that even in such situations, mistakes can be made and a group-think mentality can prevail.

No one could fault the great job that was done by law enforcement right away, of course. American law enforcement, with the FBI in the lead, mobilized an investigation and man hunt that continued in high gear even after initial quick results. Within days, Timothy McVeigh was identified and, incredibly, had already been taken into custody by the exemplary reaction of Oklahoma Highway Patrolman Charles Hanger.

□ 2145

Having sought McVeigh for driving without a license plate, Officer Hanger noticed McVeigh was carrying a pistol and arrested him on the spot. Good work, Officer Hanger.

So when the FBI, with amazing speed, traced remnants of the Ryder truck rental used to transport the crude, but powerful, bomb, Timothy McVeigh was already in jail. And shortly after this discovery, another man was connected to the bombing, Terry Nichols, McVeigh's buddy who had helped in the purchase of the bomb materials and was involved in planning this monstrous crime.

Today at the 10th anniversary of this horrific crime, this terrible blood-letting, America needs to know that our government has followed every lead and that all of the significant facts are known and have been thoroughly evaluated.

There begins the first of a number of disturbing questions, questions that remain unanswered or are obscured by a fog of indecisive rabble, official rhetoric. Obfuscation may be too harsh a way to put it, internal official ambiguity might be a more distinctive phrase. Maybe.

So what is question number one? It is very basic. Is the investigation of the Oklahoma City bombing after 10 years an ongoing investigation, an active case or not? This question needs to be answered because it will give us all of the basis, our basis to evaluate the situation as it stands.

If this is an ongoing investigation, the government must be holding open the possibility that this heinous crime was committed not just by McVeigh and Nichols but also by others unknown or others yet to be proven.

How could this case still be open and the possibility of others being involved if the authorities, with this in mind, permitted Timothy McVeigh to be executed, thus eliminating the primary witness against others who are thought to be involved?

No. This case is ongoing. If it is an active investigation and authorities permitted McVeigh to be executed, well, this is beyond bad policy. This would be the equivalent of executing Oswald very quickly even though he refused to talk.

No, in cases of this magnitude, the same type of procedure is not followed by law enforcement as is followed in a normal crime, where someone commits murder while robbing a liquor store or something. When you have the biggest terrorist attack and the most bloody terrorist attack in American history, no, you did not let a primary witness be executed if you think it is even possible that someone else was involved and that the person you are executing knows about it, even though he is not talking at the moment.

So let us hear the status of this case. That is our first question. If it is an ongoing investigation, why has significant evidence and why is significant evidence still being withheld from the American people?

There are a number of specifics to which I refer, such as the videotapes from the surveillance cameras located around the Murrah Building in the time leading up to the bombing and the moments immediately after the bombing.

It has been reported that there may be up to 23 such surveillance tapes. The Justice Department requested, and a judge agreed, to seal these tapes. Well, if this is not an ongoing investigation, then these surveillance tapes should be made public.

If there is nothing new and the videotapes reveal, as the authorities insist, that Timothy McVeigh by himself drove the bomb-laden Ryder truck to the front of the Federal building, then why not reassure us? If that is the case, why are these tapes sealed?

However, if the tapes reveal a second person in the truck with McVeigh, we know that Terry Nichols was not with him that day, then let us go look for that co-conspirator. Let us track him down and bring him to justice.

But keeping this from the American people, something as basic as whether or not the surveillance tapes of the

Federal building indicated that there was a second person in the truck, and thus a third conspirator in this monstrous crime, then do the American people not have a right to know about this?

No. That is unacceptable. This is a free society. And if the public is to have faith in their government, we cannot keep secrets like this. We cannot keep it from the public as a whole. We cannot keep it from the families of the victims who died 10 years ago today.

Whatever is on the video, it is time for the American people to see it. Ten years have passed, and there is no longer any excuse. Keeping the tapes sealed can do nothing but undercut public trust in the authorities who have overseen this investigation. So that is question number one: Is the investigation ongoing or not?

And, number two, why are the videotapes taken from the surveillance cameras around the Federal Building on the morning it was blown up not available to the public? Whatever the status of this investigation as determined by the FBI and law enforcement authorities, it has not been a closed case for a number of patriotic, hard-working investigative journalists.

Many of these journalists launched their own investigation in the face of career-destroying ridicule. They paid a price for trying to find out the facts in this case. But despite this, despite being called names and conspiracy nuts, et cetera, despite all of this, they did research and pushed for facts.

These investigators were not always right. They made mistakes. But to this day, they are asking questions that deserve answers before we Americans can just move on and leave the slaughter of 168 of our fellow Americans behind us. And, yes, there has been a certain degree of fanaticism that motivated some of these inquisitors, but that does not refute truth. And there are some disturbing unanswered questions and loose ends out there that have been brought up that we need to hear the answers about.

Jayna Davis was a broadcast journalist who worked as a reporter for a network-affiliate TV station in Oklahoma City at the time of the bombing. Over the years, she has presented information and raised issues that need to be addressed. Jayna Davis collected 22 affidavits from individuals who swear they saw Tim McVeigh in the company of certain individuals, especially one who looks uncannily like John Doe 2.

To remind you, a few days before Tim McVeigh was positively identified, the FBI released a drawing of McVeigh. Then he was known only as John Doe 1. They also released a drawing of John Doe 2, who was described, well, both of them were described by an employee of the rental truck office and by others at the bomb scene.

John Doe 2 arguably resembles a man of Middle Eastern extraction. Jayna Davis followed up on reports by those claiming to have seen McVeigh with

someone who resembles John Doe 2. And she has followed up on those reports over the years. I have spoken to several of her witnesses. And I find at least some of her witnesses to be credible.

In one case, I spoke to a motel owner from near Oklahoma City. He claims that McVeigh stayed at his motel several times. He spoke to McVeigh and spent time with him. This is a man who was not just getting a glimpse of McVeigh, but actually was able to talk to him over a period of minutes, half an hour, an hour. Accompanying McVeigh on occasion, according to the motel owner, were some individuals the manager believes were of Middle Eastern extraction.

He also claims McVeigh stayed at his motel the night before the bombing. The Ryder truck, stinking of diesel and fertilizer, was parked on a lot near his motel, and he saw it pull out the next morning.

A read of Timothy McVeigh's book reveals that McVeigh said that he had parked his truck at a lot near a motel outside of Oklahoma City. It seems to me that this motel owner has a lot to say and is a very credible witness.

But how seriously was he taken? Was that testimony taken by the FBI? Well, the motel owner says the FBI did not even interview the other co-employees of the hotel who would have disproved or proven what he had to say. And, by the way, as I say, the official version of McVeigh is that he did pull up into a vacant lot near a motel and that is where he spent the night.

Well, he did not say he spent the night in a motel; he just said that is where he parked the truck. Davis has a number of believable witnesses. These witnesses, and she just kept following this throughout the years and just kept on going and kept on going like an Energizer bunny, and she could not be stopped.

And she has amassed an important amount of information, an important list of witnesses who claim to have seen McVeigh with John Doe 2 at different times before the bombing and immediately after the bombing.

Clearly, at some point, the FBI began having second thoughts about the existence of John Doe 2. So here we have a reporter finding witnesses who have actually seen McVeigh, who is very easy to identify, with John Doe 2; but the FBI is beginning to think that John Doe 2 really does not exist at all.

This character, John Doe 2, just was not fitting into the scenario the FBI saw taking shape, the explanation that seemed to be gathering steam in terms of official circles as to what had happened. So they went back to the Ryder truck rental operation again and asked the owner again, and asked the employee who had identified, who had actually described John Doe 2, to take a second thought.

The employee who originally described McVeigh, and by the way he had described McVeigh in such a way

that that drawing was based on his description, the description of John Doe 2. He actually changed his position and changed the description of the man that he claimed to have seen.

However, I talked to the owner of the rental company, the one who actually did the business with McVeigh, and he is adamant. Even though the FBI is now saying that McVeigh went into that rental company alone, and is trying to convince the man who originally identified and had the drawing made of John Doe 2, and said, oh, yes, there was a person with him, that employee actually gave in to the FBI's suggestion. But the man who owned that little Ryder rental shop insists that McVeigh was not alone as the FBI is now trying to say, and insists that there was a man accompanying McVeigh; and although he cannot describe the man, he is absolutely sure McVeigh was not alone there at that company.

And of course we ended up with a sketch of John Doe 2, and John Doe 1, who looked exactly like McVeigh. So then it became a question, all of a sudden, is there a John Doe 2? Well, how much did the FBI follow up on the extensive investigation of Jayna Davis who has collected the affidavits of 22 people, who saw John Doe 2, a person that looked like John Doe 2 with McVeigh?

Now, she even identified a suspect that looks like John Doe 2. And there are many reasons to suspect that he may well have been with McVeigh. And there may be a John Doe 2. But there is a lot of conflicting things that have to be looked at here.

However, she actually got a picture of a Middle Eastern man who works there in Oklahoma City who had great trouble explaining where he was at the time of the explosion, and in fact was caught in many lies when trying to explain that. And many of the witnesses who Jayna Davis had shown the sketch to later on, when they were shown pictures of various people, she went and got a picture of this particular man who worked there in Oklahoma City, who was an immigrant from Iraq, I might add.

□ 2200

Many of her witnesses positively identified the man in the photo, not just the sketch that the FBI artist had given them, but the man in the photo as being the man that they saw with Timothy McVeigh. This is eye witness testimony. And, yes, eye witness testimony can be wrong. People can make a mistake. But this is important enough that the FBI should have looked at this individual as a potential suspect and treated him as such. And I would like to think that was the case at any time.

Was the individual Jayna Davis pointed out at any time considered a suspect, and what type of investigation was done on this individual? It appears that the investigation was not a thorough investigation into this man, but I certainly would like to hear from au-

thorities as to how extensive that investigation was. Jayna contends it was difficult even to get the FBI to take possession of the sworn testimony that she had collected that linked this individual with Timothy McVeigh. That sworn testimony, the affidavits she collected, was at long last accepted by an FBI agent. But we must note here that Jayna Davis now tells us that that testimony, that sworn testimony, that Timothy McVeigh was in a relationship with a Middle Eastern man and that he was identified at the scene of the bombing and in the days leading up to the bombing by various people. That was never passed on to McVeigh's lawyers or Terry Nichols' lawyers during their trials, even though by law the government must provide all pertinent information to the lawyers, defense lawyers in a trial like this.

So why was there such a hesitation? Was there such a complication of just trying to get a proper investigation into someone who has been fingered by so many witnesses as being John Doe 2? And why was he not being treated as a potential suspect? Why? Was he being treated as a suspect? What was the investigation like? Yeah, we need to know that. And we need to know why all of those people were wrong, if they were wrong.

So Jayna Davis, who has recently written a book called "The Third Terrorist," should not be dismissed out of hand. I spoke to Jim Woolsey, former director of the CIA, and he believes, as I do, that her evidence and witnesses deserve serious scrutiny, and her investigation should be looked at judiciously. Even though 10 years has passed, it is not too late to look at what she has found.

As far as Mr. Woolsey and myself, we are not saying everything that Jayna Davis is accurate. I, in fact, have some serious disagreements with some of the information that she put in her book, just an analysis of some other individuals, not the ones who were pointing the finger at John Doe 2, but I had some serious disagreements with her. But that does not negate the other things in the book, and especially the hard work she did to try to pin down those people who had actually seen McVeigh and this Iraqi immigrant who looked exactly like the first, not exactly, but looked like John Doe 2 and even had a tattoo on his arm which, I might add, was in the description of John Doe 2.

So here we have a man who looks like John Doe 2 and has a tattoo on his arm and mysteriously cannot back up his claim of where he was when that bomb went off. Well, was he John Doe 2? Was he involved with McVeigh? We need to know that that has been thoroughly investigated.

Other possible terrorist links can be found centered around a whole different approach than the one that Jayna Davis took. This time we must look to see if the terrorist links can be found that can be traced back to the

encampment of a neo-Nazi compound that was near the Oklahoma City-Arkansas border, about a half a day's drive from Oklahoma City.

A number of journalists, including J.D. Cash, Rita Cosby of Fox News, and others, have focused enormous energy and investigative talents into the activities surrounding the compound of neo-Nazis, white racists, gun nuts, Christian separatists, and irrational anti-government extremists, all of whom can be found at Elohim City, which was more like a small village or compound, as I say, about an afternoon's drive away from Oklahoma City. There were reports that as many as 250 crooks and criminals were based in Elohim City.

What McVeigh and Nichols had to do with this nest of vipers has yet to be fully determined. So we know that neo-Nazis were there. We know Ku Klux Klan types, we know people whose hearts were filled with hate who could commit acts of violence were there, who organizing there. We are not so sure how much exactly Timothy McVeigh and Terry Nichols had to do with this gang.

Records show that he stayed in a motel very nearby this compound, and this is way out in the sticks. And so if he was in that hotel, he was there because of that compound of racists and Nazis. And also his car and he as the driver of the car were pulled over and received a traffic ticket very near the compound. Again, no one is just driving on a Sunday afternoon and just happens to drive by this racist Nazi compound in Oklahoma.

So there are some indications that McVeigh was on the scene there or nearby; and if he was nearby, that would mean to us that he was probably meeting with some of the people in the compound.

One suggestion, for example, is that McVeigh helped finance some of his activities by getting money from some of the bank robbers who operated in and out of Elohim City. In fact, there were 22 bank robberies that were committed at that time by people who, as I say, were in and out of Elohim City and McVeigh's and Terry Nichols' relatives, their sisters have suggested that some of that bank robbery money was used by McVeigh and Nichols to further their goals. That connection, however, again needs to be examined.

What was the connection between McVeigh and Nichols and the monsters, the racists and the Nazis and the bank robbers there at Elohim City? One thing is certain, this potential terrorist camp did not escape the attention of authorities. There was at least one paid informant there and probably more, other informants from other government agencies who probably did not know about each other.

Carol Howe, the informant for the Bureau of Alcohol, Tobacco and Firearms, reported extensively from Elohim City. What she described was the preparation for an armed attack on

the U.S. Government. She warned of assassinations and of bombings, and she told that the extremists there in Elohim City were capable of violence and capable of using weapons.

Federal authorities of course turned on Carol Howe later on after she made these reports. They actually brought charges of conspiracy and bomb making against her, even though she had been, obviously, an informant.

Let us note that the jury system works. A jury found her not guilty. I have seen many of her reports firsthand and found them to be very provocative and alarming as to what was going on there in Elohim City.

One of the most curious characters there was an Andreas Strassmeir. He was, as widely reported, in charge of security at the compound. He wore a gun and taught paramilitary tactics and operations. He was a young man who came from one of Germany's prominent families.

So think about this. Here is the guy who is in charge of security. He was training people in tactics. He was training people in guerilla warfare tactics and operations. And here he was, a young man whose father was the chief of staff of Chancellor Helmut Kohl. Helmut Kohl was the Chancellor of Germany. This is the equivalent of the son of Andy Card being charged with this type, of being a Ku Klux Klanner. In fact, Andy Card may have a little less social prestige here than Andreas Strassmeir's father had in Germany because they did have a very, very prominent family.

Andreas graduated from an elite military school, and then inexplicably he turned down a commission in the German Army; and a short time later he popped up in Elohim City. And there he was, as described by informant Howe and others as trying to provoke violent attacks on the United States Government which he referred to as a Zionist-controlled government.

Well, Timothy McVeigh had Strassmeir's card in his wallet when he was arrested after the bombing. Strassmeir and McVeigh claimed to have met only once at a gun show long before the bombing.

Well, who the hell is Strassmeir?

He is either a neo-Nazi, a virulent racist who pushed American extremists into violent acts, or tried to anyway, or he was, which would be logical to assume that he might be an informant for some agency of some government.

Well, if he was an informant, he was ill trained and improperly handled because instead of being an informant, he eventually became, if the reports are correct that we hear from Carol Howe and others, he eventually became a provocateur. The FBI has stated categorically to me that Strassmeir was not an FBI informant and never a source of information for the bureau.

Okay. So if he was not an informant and the FBI did not think he was an informant, why then was Strassmeir only briefly interviewed over the telephone

by the FBI and then permitted to leave the country after it was clear that he had such connections to Elohim City? If nothing else, they knew that bank robberies were taking place by people who were in and out of Elohim City. If nothing more than the bank robberies, Mr. Strassmeir should have faced a much more serious interrogation instead of being given just a few minutes on the telephone and then being permitted to leave.

If he was not an informant, would not his role there in Elohim City and what he was doing with bank robbers and racists and Klan members and then of course with the possible tie-in with McVeigh, would these things not just call out for a thorough investigation and a close look by the FBI? And if nothing else, should not his connection or possible connection with McVeigh, who was after all the murderer of 168 Americans, was not the possible connection worth a more thorough investigation? How much of an investigation was done into Strassmeir?

□ 2215

Yes, there are serious questions that need to be answered, and there are loose ends that need to be explained and taken care of.

In the next few weeks, I will seek answers, and so far, the FBI has been more than cooperative. They are doing their best to see that I am satisfied with the conclusions they reached after a long and hard effort on the part of FBI professionals. They may well have answers that are very satisfying to me and to the issues that I have raised, and there may be no need for a hearing if this level of cooperation is successful, and I certainly hope it is.

However, let us begin to answer some of these questions. We can start with the surveillance tapes and work our way through. In the end, the public needs to be satisfied that the facts are known and that every lead has been followed and that all of us in the government are committed to keeping the American people safe from internal, as well as external, terrorism, and when crimes occur, like the one committed against our people in Oklahoma City 10 years ago today, the American people should be able to rest assured that their government will never give up, never close the case until it is certain that everyone with a hand in such a crime has been brought to justice and that those of us who work for government feel a special bond to the people of the United States to make sure they know all of the information and are satisfied with the investigations that we are involved so they can rest assured that we are doing our job just as all of the American people go about their business every day doing their job as professionally as they can.

The United States of America is a wondrous land, but we are also a very vulnerable country. By the very nature of our free system and our free country, there are people who commit heinous

crimes against us. We saw that in 9/11. 9/11, let us admit, it was a failure of our intelligence systems, including the FBI, that permitted 9/11 to happen.

I still remember that some FBI agents were calling from the field, pleading with their superiors to let them have a further investigation into these pilots, these foreign pilots that were being trained in the flight schools in different parts of the United States but these pilots who have might connection to foreign terrorists. We have heard these stories, and how heartbreaking it is that these FBI agents out in the field were turned down and they were diverted and prevented from doing their job by a mindset that existed.

Well, sometimes these mindsets happen and sometimes just leads are ignored because everybody believes that we should be going this way instead of that way, and thus, if anybody else has evidence of the other direction, it may not get the attention that it deserves.

We have to make sure that kind of mindset did not happen in Oklahoma City. We did not have to make sure of that, and by making sure that those people who seem to be credible witnesses, especially with tying Timothy McVeigh to a John Doe, we have to make sure this is thoroughly investigated. We have to make sure that if there was a connection between the bank robbers and Timothy McVeigh, that we understand that that possible connection has been thoroughly investigated and that people who are involved in those bank robberies have been interrogated about any meeting with Timothy McVeigh or Terry Nichols.

We have got to understand and ask where Terry Nichols and Timothy McVeigh did get their money and where they got their training. If there is a foreign connection to the Oklahoma City bombing, and it is evident that these questions have not been answered, then a hearing by my subcommittee on the Committee on International Relations, the Subcommittee on Oversight and Investigation, would certainly be justified.

I will come back here in several weeks and report to the people of the United States what I have found and whether or not I have recommended to the gentleman from Illinois (Chairman HYDE), the Chairman of the Committee on International Relations, who has been very cooperative and offered me great guidance on this, I will let the public know whether or not I have recommended that there will be a hearing or not be a hearing.

So, with this said, let me just end with this note. The FBI is filled with wonderful people, and our intelligence people and the CIA are dedicated human beings who are professional. We know there were some problems with 9/11, but we also know that the vast majority of agents and government employees and these law enforcement agencies and the intelligence agencies

are very dedicated to protecting our country.

So nothing that I say or do should make anyone feel that this is implying anything but applauding the good work and applauding the patriotism of those people in these law enforcement agencies and intelligence agencies who protect us.

RECESS

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 22 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2329

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PUTNAM) at 11 o'clock and 29 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, ENERGY POLICY ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109-49) on the resolution (H. Res. 219) providing for consideration of the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Ms. PELOSI) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MCCARTHY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, April 20.

Mr. BURTON of Indiana, for 5 minutes, today and April 20 and 21.

Mr. CHOCOLA, for 5 minutes, today and April 20.

Mr. OSBORNE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and April 20 and 21.

Mr. GUTKNECHT, for 5 minutes, April 20 and 21.

Mr. POE, for 5 minutes, April 21.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 289. An act to authorize an annual appropriation of \$10,000,000 for mental health courts through fiscal year 2011; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 787. An act to designate the United States courthouse located at 501 I Street in Sacramento, California, as the "Robert T. Matsui United States Courthouse".

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 20, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1677. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1678. A letter from the Director, Child Nutrition Division, Department of Agriculture, transmitting the Department's final rule — Child and Adult Care Food Program: Increasing the Duration of Tiering Determinations for Day Care Homes (RIN: 0584-AD67) received February 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1679. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the Automated Fluorescence in situ Hybridization

Enumeration Systems [Docket No. 2005N-0081] received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1680. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Substances Affirmed as Generally Recognized as Safe: Menhaden Oil [Docket No. 1999P-5332] received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1681. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food and Drug Administration Regulations; Drug and Biological Product Consolidation; Addresses; Technical Amendment — received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1682. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2003F-0535] received March 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1683. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Export and Reexport Restrictions on Libya: Responses to Comments on the Interim Rule [Docket No. 040422128-5024-02] (RIN: 0694-AD14) received on March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1684. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Licensing Policy for Entities Sanctioned under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau [Docket No. 041222360-4360-01] (RIN: 0694-AD24) received on March 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1685. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Editorial Corrections to Part 730 of the Export Administration Regulations [Docket No. 050202023-5023-01] (RIN: 0694-AD40) received on March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1686. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Denied Persons and Specially Designated Nationals [Docket No. 050208029-5029-01] (RIN: 0694-AD43) received on February 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1687. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Political Party Committees Donating Funds to Certain Tax-Exempt Organizations and Political Organizations [Notice 2005-8] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1688. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Filing Documents by Priority Mail, Express Mail, and Overnight Delivery Service [Notice 2005-9] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. FAA-2004-19448; Directorate Identifier 2004-NM-134-AD; Amendment 39-14011; AD 2005-06-03] (RIN: 2120-AA64) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Modified In Accordance With Supplemental Type Certificate (STC) ST00127BO [Docket No. FAA-2004-19891; Directorate Identifier 2004-NM-136-AD; Amendment 39-14006; AD 2005-05-17] (RIN: 2120-AA64) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. FAA-2004-19568; Directorate Identifier 2004-NM-112-AD; Amendment 39-14000; AD 2005-05-11] (RIN: 2120-AA64) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B and EC 155B1 Helicopters [Docket No. 2003-SW-47-AD; Amendment 39-14009; AD 2005-06-01] (RIN: 2120-AA64) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 866. A bill to make technical corrections to the United States Code (Rept. 109-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 219. Resolution providing for the consideration of the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy; (Rept. 109-49). Referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MUSGRAVE (for herself and Mr. HERGER):

H.R. 1678. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for increased expensing for small business; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1679. A bill to make supplemental appropriations for fiscal year 2005 to ensure the inclusion of commonly used pesticides in State source water assessment programs, and for other purposes; to the Committee on Appropriations.

By Mr. ANDREWS:

H.R. 1680. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the environmental cleanup of certain

contaminated industrial sites designated as brownfields; to the Committee on Ways and Means.

By Mr. BUTTERFIELD (for himself, Mr. PAYNE, Ms. LEE, Mrs. JONES of Ohio, Mr. OWENS, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. HOLDEN, Ms. NORTON, Mr. BERMAN, Mr. CLAY, Mr. LEWIS of Georgia, Mr. FORD, Mr. WEXLER, Mr. CONYERS, Mr. CARDOZA, Mr. PETERSON of Minnesota, Mrs. TAUSCHER, Mr. PALLONE, Mr. CLEAVER, and Mr. CLYBURN):

H.R. 1681. A bill to improve education for all students, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. RANGEL, Mr. McDERMOTT, Mr. STARK, Mr. LEVIN, and Mr. EMANUEL):

H.R. 1682. A bill to update the supplemental security income program, and to increase incentives for working, saving, and pursuing an education; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Ms. McKINNEY, and Mr. BUTTERFIELD):

H.R. 1683. A bill to amend title 37, United States Code, to require a minimum basic pay level of \$2,000 per month for members of the Armed Forces serving in a combat zone; to the Committee on Armed Services.

By Mr. COX (for himself, Mr. CANNON, Mr. UPTON, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Ms. ESHOO, Mr. CHABOT, Mr. SIMMONS, Mr. RADANOVICH, Mr. FOSSELLA, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. McGOVERN, Mr. OTTER, Mrs. MUSGRAVE, Mr. PAUL, Mr. HERGER, Mr. MILLER of Florida, Mr. BOUSTANY, Mr. DREIER, Mr. WESTMORELAND, Mr. TOM DAVIS of Virginia, Mr. WELLER, Mr. CUNNINGHAM, Mr. TERRY, Mr. McHENRY, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GOODLATTE, Mr. KIRK, Mr. WELDON of Florida, Mr. GILLMOR, Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Miss McMORRIS, Mr. McHUGH, Mr. McCAUL of Texas, Mr. WALSH, Mr. MANZULLO, and Mr. HOSTETTLER):

H.R. 1684. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. CANNON, Mr. UPTON, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Ms. ESHOO, Mr. CHABOT, Mr. SIMMONS, Mr. RADANOVICH, Mr. FOSSELLA, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. McGOVERN, Mr. OTTER, Mrs. MUSGRAVE, Mr. PAUL, Mr. HERGER, Mr. MILLER of Florida, Mr. BOUSTANY, Mr. DREIER, Mr. WESTMORELAND, Mr. TOM DAVIS of Virginia, Mr. WELLER, Mr. CUNNINGHAM, Mr. TERRY, Mr. McHENRY, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GOODLATTE, Mr. KIRK, Mr. WELDON of Florida, Mr. GILLMOR, Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Miss McMORRIS, Mr. McHUGH, Mr. McCAUL of Texas, Mr. WALSH, Mr. MANZULLO, and Mr. HOSTETTLER):

H.R. 1685. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H.R. 1686. A bill to require United States assistance for the repair, maintenance, or construction of the transportation infrastructure of Iraq to be provided in the form of loans subject to repayment in full to the United States Government; to the Committee on International Relations.

By Ms. DELAULO (for herself, Mr. WEXLER, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. DEFazio, Mr. CUELLAR, Mr. STARK, Mr. OBERSTAR, Mr. FARR, Mr. ENGEL, Mr. McDERMOTT, Mr. DINGELL, Mrs. MALONEY, Mr. HOLT, Mr. PALLONE, Ms. BERKLEY, Mrs. MCCARTHY, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. HONDA, Mr. WEINER, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Mr. SHERMAN, Mr. LANTOS, Mr. DICKS, Mr. McGOVERN, Mr. PRICE of North Carolina, Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, Ms. BALDWIN, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. SCOTT of Georgia, Mr. UDALL of New Mexico, Ms. CORRINE BROWN of Florida, Mr. NADLER, Ms. MCCOLLUM of Minnesota, Mrs. JONES of Ohio, Mr. HINCHY, Mr. STRICKLAND, Ms. LEE, Mr. KILDEE, Mr. CROWLEY, Ms. PELOSI, Mr. GRIJALVA, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. EVANS, Mr. ABERCROMBIE, Mr. WU, Mr. ALLEN, Ms. SOLIS, and Ms. WOOLSEY):

H.R. 1687. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FARR (for himself, Mr. SHAYS, Mr. LEACH, Mr. WEINER, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. LEE, Mr. BLUMENAUER, Mr. McDERMOTT, Mrs. CAPPS, Mr. MORAN of Virginia, Mr. EVANS, Ms. WOOLSEY, Mr. RANGEL, Mr. NADLER, Mr. ENGEL, Mr. HONDA, Mr. DEFazio, Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Ms. SOLIS):

H.R. 1688. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FEENEY (for himself, Mr. SMITH of Texas, Mrs. BLACKBURN, Ms. HART, Mr. MEEK of Florida, Mr. BURTON of Indiana, Mr. ENGEL, Mr. BOYD, Ms. HARRIS, Mr. FOLEY, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. SHAW, Mr. KELLER, Mr. CRENSHAW, Mr. GREEN of Wisconsin, Mr. HOYER, and Ms. WASSERMAN SCHULTZ):

H.R. 1689. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. HOYER, Mr. WAXMAN, Mr. CROWLEY, Mr. OWENS, Mr. ABERCROMBIE, Mr. WEXLER, Mr. CLEAVER, Mr. McGOVERN, and Mr. PAUL):

H.R. 1690. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other

monthly periodic payments exceeds a minimum COLA-adjusted amount of \$2,500 and to provide for a graduated implementation of such provision on amounts above such minimum amount; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 1691. A bill to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Ms. HOOLEY:

H.R. 1692. A bill to repeal the application of the sunset in the Economic Growth and Tax Relief Reconciliation Act of 2001 to tuition programs which are qualified under section 529 of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. KENNEDY of Rhode Island, Mr. PAYNE, Ms. LEE, and Mr. ETHERIDGE):

H.R. 1693. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and to prospective superintendents and principals; to the Committee on Education and the Workforce.

By Mrs. MALONEY:

H.R. 1694. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Financial Services.

By Mr. MICHAUD (for himself, Mr. ALLEN, Mr. BASS, Mr. BOEHLERT, Mr. MCHUGH, and Mr. SANDERS):

H.R. 1695. A bill to establish the Northeast Regional Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California

(for himself, Ms. PELOSI, Mr. OWENS, Mr. MICHAUD, Mr. CROWLEY, Mr. CLAY, Mr. CARNAHAN, Mr. WU, Ms. KAPTUR, Ms. MCKINNEY, Mr. BISHOP of New York, Mr. WAXMAN, Ms. DELAUNO, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. BROWN of Ohio, Mr. WEXLER, Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Mr. MCDERMOTT, Ms. HOOLEY, Mr. KILDEE, Mr. SHERMAN, Ms. MCCOLLUM of Minnesota, Mr. BACA, Mr. CHANDLER, Mr. WEINER, Mr. GRIJALVA, Mrs. TAUSCHER, Ms. WATERS, Mr. CASE, Mr. NADLER, Mr. COOPER, Ms. MILLENDER-MCDONALD, Mr. BERMAN, Mr. KIND, Mr. CAPUANO, Ms. SOLIS, Mr. VISCLOSKEY, Mr. SIMMONS, Mr. DAVIS of Alabama, Mr. LEVIN, Mr. LYNCH, Mr. OLIVER, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. DAVIS of Illinois, Ms. SLAUGHTER, Mr. McNULTY, Mr. MARKEY, Mr. ACKERMAN, Ms. SCHWARTZ of Pennsylvania, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mr. BERRY, Mr. TIERNEY, Mr. LARSON of Connecticut, Mr. CARDOZA, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. RAHALL, Mr. ABERCROMBIE, Ms. LINDA T. SANCHEZ of California, Mr. CARDIN, Mr. MATHESON, Mr. STUPAK, Mr. ROSS, Mr. HOYER, Mr. STRICKLAND, Mr. KUCINICH, Mr. HOLDEN, Mr. WYNN, Mr. INSLEE, Mr. ALLEN, Ms. VELÁZQUEZ, Ms. MATSUI, Mr. CONYERS, Mr. CUMMINGS, Mr. RYAN of Ohio, Mr. CRAMER, Ms. HARMAN, Mr. DINGELL, Mrs. MALONEY, Mrs. MCCAR-

THY, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. FORD, Mr. STARK, Mr. FATTAH, Mr. BOUCHER, Mr. MURTHA, Mr. HIGGINS, Ms. ZOE LOFGREN of California, Mr. BOSWELL, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. MCHUGH, Mr. BOEHLERT, Mrs. DAVIS of California, Mr. MENENDEZ, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. OBERSTAR, Mr. SCOTT of Georgia, Mr. DICKS, Mr. HONDA, Ms. ESHOO, Ms. WATSON, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mrs. CAPPS, Mr. MOLLOHAN, Mr. HOLT, Mr. DOYLE, Mr. HINOJOSA, Mr. BECERRA, Ms. LEE, Mr. UDALL of Colorado, Mr. DEFazio, Mr. COSTELLO, and Mr. KUHLM of New York);

H.R. 1696. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Education and the Workforce.

By Ms. NORTON:

H.R. 1697. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PASCRELL:

H.R. 1698. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 1699. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 1700. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 1701. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at 0.5% or greater; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 1702. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5%; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1703. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr.

DAVIS of Illinois, Mr. COBLE, Mrs. JONES of Ohio, Mr. CHABOT, Mr. CUMMINGS, Mr. CANNON, Mr. HARRIS, Mr. TOM DAVIS of Virginia, Mr. EHLERS, Mr. GILCHREST, Ms. LEE, Mr. OWENS, Mr. SHIMKUS, Ms. SOLIS, Mr. WYNN, Mr. BACHUS, Mr. SHAYS, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. WESTMORELAND, Mr. BERMAN, Mr. RANGEL, Ms. WOOLSEY, Mr. KENNEDY of Rhode Island, Ms. KAPTUR, and Ms. JACKSON-LEE of Texas);

H.R. 1704. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and

activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 1705. A bill to establish a program to support deployment of idle reduction and energy conservation technologies for heavy-duty vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 1706. A bill to direct the Secretary of Energy to conduct a program in partnership with the private sector to accelerate efforts of domestic automobile manufacturers to manufacture commercially available competitive hybrid vehicle technologies in the United States; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. UDALL of New Mexico, Mr. ROYCE, and Mr. TANNER):

H.R. 1707. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. DAVIS of Florida, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of California, and Mr. TURNER):

H.R. 1708. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself, Mr. SIMMONS, Ms. DEGETTE, and Mrs. JOHNSON of Connecticut):

H.R. 1709. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1710. A bill to amend title 18, United States Code, to protect individuals performing certain Federal and federally assisted functions, and for other purposes; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 1711. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Resources.

By Ms. WOOLSEY (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO,

Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. PELOSI, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. MATSUI):

H.R. 1712. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Resources.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. LANGEVIN, and Mr. SMITH of New Jersey):

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress that the United States should play a leading role in the drafting and adoption of a thematic United Nations convention that affirms the human rights and dignity of persons with disabilities, and for other purposes; to the Committee on International Relations.

By Mr. SHUSTER (for himself and Ms. NORTON):

H. Con. Res. 135. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself and Ms. NORTON):

H. Con. Res. 136. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. PORTER (for himself and Mr. BOEHNER):

H. Res. 218. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BOUSTANY (for himself, Mr. BLUNT, Ms. ESHOO, Mr. BOYD, Mr. KILDEE, Mr. YOUNG of Florida, Mr. HINCHEY, Mr. TOWNS, and Mr. RADANOVICH):

H. Res. 220. A resolution recognizing America's Blood Centers and its member organizations for their commitment to providing over half the Nation with a safe and adequate volunteer donor blood supply, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JINDAL (for himself, Mr. BOUSTANY, Mr. MELANCON, Mr. ALEXANDER, Mr. BAKER, and Mr. MCCREERY):

H. Res. 221. A resolution honoring the life of John Hainkel; to the Committee on Government Reform.

By Mr. SHADEGG (for himself and Mr. CHABOT):

H. Res. 222. A resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. OTTER and Mr. SIMPSON.
H.R. 22: Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Mr. PETERSON of Pennsylvania, and Mr. DENT.

H.R. 23: Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. KIND, Mrs. LOWEY, Mr. MEEHAN, Mr. COOPER, Mr. FRANK of Massachusetts, and Mr. CLAY.

H.R. 34: Mr. LARSEN of Washington and Mr. BISHOP of Georgia.

H.R. 36: Mr. ABERCROMBIE and Mr. FILNER.

H.R. 63: Mr. RUPPERSBERGER, Mr. STARK and Ms. HERSETH.

H.R. 64: Mr. MCKEON.

H.R. 98: Mr. DUNCAN.

H.R. 153: Mr. GONZALEZ, Mr. LIPINSKI, Ms. LEE, Mr. WEINER, and Mr. SCHIFF.

H.R. 197: Mr. CARDOZA and Mr. REYES.

H.R. 198: Ms. DEGETTE.

H.R. 215: Mr. CUELLAR.

H.R. 269: Mr. LARSEN of Washington.

H.R. 278: Mr. PITTS.

H.R. 282: Mr. PRICE of Georgia, Mr. DOYLE, Mr. MILLER of North Carolina, Ms. HERSETH, Mr. EVANS, Mr. HAYES, Mr. GEORGE MILLER of California, Mr. SHADEGG, Mr. MATHESON, Mr. JEFFERSON, and Mr. HASTINGS of Florida.

H.R. 303: Ms. KAPTUR, Mr. JONES of North Carolina, Ms. HERSETH, Mr. HALL, and Mr. JENKINS.

H.R. 328: Mr. STRICKLAND, Mr. TAYLOR of Mississippi, Mr. WYNN, and Mr. ROHR-ABACHER.

H.R. 333: Mr. REYES, Mrs. NAPOLITANO, and Mr. BROWN of Ohio.

H.R. 354: Mr. RUPPERSBERGER.

H.R. 371: Mr. BURTON of Indiana, Mr. EMANUEL, Mr. MILLER of Florida, Mr. WAMP, Mr. GONZALEZ, Mr. MENENDEZ, Mr. OBERSTAR, Ms. BALDWIN, Mr. SNYDER, and Ms. MCCOLLUM of Minnesota.

H.R. 389: Mr. MICHAUD.

H.R. 400: Mr. HAYWORTH and Mr. FRANKS of Arizona.

H.R. 442: Mr. HEFLEY, Mr. JONES of North Carolina, Mr. HYDE, Mr. GINGREY, Mr. SAXTON, Mr. CHABOT, Mr. PAUL, and Mrs. CUBIN.

H.R. 476: Ms. SCHAKOWSKY.

H.R. 533: Ms. SCHAKOWSKY.

H.R. 554: Ms. HERSETH and Mr. TOWNS.

H.R. 580: Mr. GARRETT of New Jersey.

H.R. 581: Mr. UDALL of New Mexico and Mrs. WILSON of New Mexico.

H.R. 583: Mr. DOYLE, Mr. KENNEDY of Rhode Island, Mr. HOLT, and Mr. VAN HOLLEN.

H.R. 626: Mr. HOEKSTRA.

H.R. 651: Mr. TERRY.

H.R. 653: Mr. PALLONE.

H.R. 660: Ms. BORDALLO, Mr. LEWIS of Georgia, and Mr. BISHOP of Georgia.

H.R. 663: Mr. CLAY.

H.R. 669: Mrs. TAUSCHER, Mr. BISHOP of Georgia, and Mr. GIBBONS.

H.R. 682: Mrs. MUSGRAVE.

H.R. 695: Mr. CHABOT.

H.R. 697: Mr. MCINTYRE, Mr. ALLEN, Mr. MENENDEZ, and Mrs. TAUSCHER.

H.R. 768: Mr. DOGGETT, Ms. ROYBAL-ALLARD, and Mr. LANGEVIN.

H.R. 772: Mr. LARSEN of Washington, Mr. LYNCH, Mr. HOEKSTRA, and Ms. BERKLEY.

H.R. 776: Mr. LEWIS of Kentucky.

H.R. 777: Mr. GARRETT of New Jersey.

H.R. 800: Mr. HOEKSTRA, Mr. DREIER, and Mr. LEWIS of California.

H.R. 809: Mr. REHBERG, Mr. WELLER, Mr. PAUL, Mr. HOEKSTRA, Mrs. MUSGRAVE, Mr. CUNNINGHAM, Mr. BRADY of Texas, and Mr. BOUSTANY.

H.R. 818: Mr. BRADLEY of New Hampshire.

H.R. 824: Mr. JEFFERSON, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. WYNN, Ms. KILPATRICK of Michigan, Ms. MOORE of Wisconsin, and Mr. OWENS.

H.R. 827: Mr. SOUDER.

H.R. 838: Mr. MICHAUD, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. ROSS, Mr. BERRY, Mr. WEXLER, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, Mr. LARSEN of

Washington, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, and Mr. TOWNS.

H.R. 858: Mr. TAYLOR of North Carolina.

H.R. 877: Mr. FRANK of Massachusetts and Ms. HART.

H.R. 896: Mr. ENGLISH of Pennsylvania, Mr. BOEHLERT, and Mr. REYNOLDS.

H.R. 908: Ms. LEE.

H.R. 910: Mr. CUMMINGS.

H.R. 923: Mr. LYNCH, Mr. CONAWAY, Mr. JONES of North Carolina, Mr. SANDERS, and Mr. WHITFIELD.

H.R. 924: Mr. BROWN of Ohio.

H.R. 931: Mr. ISTOOK and Mr. GARRETT of New Jersey.

H.R. 935: Ms. SCHAKOWSKY, Mr. FALEOMAVAEGA, Mr. WOLF, Ms. BERKLEY, Mr. LANTOS, and Mr. BERMAN.

H.R. 939: Ms. SCHAKOWSKY, Mr. HINCHEY, Ms. SOLIS, and Mr. MCGOVERN.

H.R. 944: Mr. MCNULTY, Mr. MARSHALL, and Mr. REYNOLDS.

H.R. 983: Mr. SMITH of Washington.

H.R. 985: Mr. DAVIS of Kentucky, Mr. CUELLAR, Ms. HARMAN, Ms. HERSETH, Mr. MILLER of North Carolina, Mr. CRENSHAW, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. NEY, Mr. PRICE of Georgia, Mr. SALAZAR, and Mr. PASCRELL.

H.R. 994: Mr. MICHAUD, Ms. SCHWARTZ of Pennsylvania, Mr. RYAN of Ohio, Mr. MCHUGH, Mr. PETERSON of Minnesota, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BACHUS, Mrs. NAPOLITANO, Mr. FITZPATRICK of Pennsylvania, Mr. MEEKS of New York, Ms. HOOLEY, Mr. GEORGE MILLER of California, Mrs. CUBIN, Mr. UDALL of New Mexico, Mr. HIGGINS, Mr. HYDE, Mr. ANDREWS, Mr. PASCRELL, Mrs. CAPITO, Mr. CARDIN, Mr. FERGUSON, Mrs. MALONEY, Mr. PRICE of North Carolina, Mr. SMITH of New Jersey, Mr. SERRANO, Mr. POMEROY, Mr. GRIJALVA, Mr. GONZALEZ, Mr. MANZULLO, Mr. MENENDEZ, Mr. SHAYS, Mr. BILIRAKIS, Mr. COLE of Oklahoma, Mr. CUNNINGHAM, Mr. SABO, Mr. WILSON of South Carolina, Mr. LARSON of Connecticut, Mr. MOORE of Kansas, Mr. MCNULTY, Mr. BUTTERFIELD, Mr. UPTON, Ms. HERSETH, Mr. MILLER of North Carolina, Mr. BISHOP of New York, Mr. PETRI, Mr. SANDERS, Ms. MCCOLLUM of Minnesota, and Mr. HOLDEN.

H.R. 997: Mr. MARCHANT, Mr. KANJORSKI, and Mr. FRANKS of Arizona.

H.R. 998: Miss MCMORRIS, Mr. LARSEN of Washington, and Mr. GOODE.

H.R. 1002: Mr. LANTOS, Mr. LARSEN of Washington, and Ms. SLAUGHTER.

H.R. 1011: Mr. McDERMOTT.

H.R. 1017: Mr. OTTER.

H.R. 1029: Mr. BROWN of South Carolina.

H.R. 1033: Mrs. MALONEY, Mr. PALLONE, and Mrs. TAUSCHER.

H.R. 1059: Mr. CLEAVER and Mr. INSLEE.

H.R. 1124: Mr. REGULA, and Mr. COOPER.

H.R. 1157: Ms. CORRINE BROWN of Florida and Mr. HINOJOSA.

H.R. 1185: Mrs. MUSGRAVE and Mr. CHABOT.

H.R. 1214: Ms. BALDWIN and Mr. STARK.

H.R. 1217: Mr. RYAN of Ohio, Mr. STARK, and Mr. TIERNEY.

H.R. 1226: Mr. SHAYS and Mr. LATOURETTE.

H.R. 1229: Mr. SMITH of Texas, Mr. BACHUS, Mr. ADERHOLT, and Mr. EVERETT.

H.R. 1248: Mr. GARRETT of New Jersey.

H.R. 1258: Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. OWENS, Ms. KILPATRICK of Michigan, Mr. TIERNEY, Mr. WAXMAN, Mr. VAN HOLLEN, and Ms. MCCOLLUM of Minnesota.

H.R. 1272: Mrs. JOHNSON of Connecticut.

H.R. 1290: Mr. TOM DAVIS of Virginia.

H.R. 1298: Mr. ROGERS of Alabama.

H.R. 1316: Mr. FLAKE, Mr. TANCREDO, Mr. GARRETT of New Jersey, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. MANZULLO, Mr. AKIN, Mr. MCHENRY, Mr. CANNON, and Mr. KING of Iowa.

H.R. 1324: Mr. COLE of Oklahoma.
 H.R. 1329: Mrs. JOHNSON of Connecticut and Ms. LEE.
 H.R. 1339: Mr. POE.
 H.R. 1342: Mr. PASCRELL.
 H.R. 1345: Mrs. KELLY.
 H.R. 1352: Mr. MCCAUL of Texas, Mr. CUELLAR, Mr. MELANCON, Ms. BERKLEY, Mr. HOLDEN, Mr. CRAMER, Mr. CAPUANO, Mr. ROSS, Mr. POMEROY, Mr. PLATTS, and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 1376: Mr. SWEENEY and Mr. BOREN.
 H.R. 1382: Mr. GARRETT of New Jersey.
 H.R. 1409: Mr. UDALL of New Mexico and Mr. HOLT.
 H.R. 1417: Mr. BRADY of Texas.
 H.R. 1424: Mr. SCOTT of Georgia, Mr. SENBRENNER, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. STARK, Mr. PRICE of North Carolina, Mr. JACKSON of Illinois, Mr. VAN HOLLEN, Mr. GONZALEZ, Ms. ESHOO, Ms. MALONEY, Mr. MILLER of North Carolina, Ms. MOORE of Wisconsin, Mr. FEENEY, Ms. BERKLEY, Mr. EVANS, and Mr. FRANK of Massachusetts.
 H.R. 1426: Mr. UDALL of New Mexico, Mr. BERRY, Mr. CAPUANO, Mr. THOMPSON of Mississippi, Mr. DELAHUNT, and Ms. SCHAKOWSKY.
 H.R. 1474: Mr. BOREN, Mr. ALLEN, Mr. PETERSON of Minnesota, and Mr. MCGOVERN.
 H.R. 1482: Mr. JOHNSON of Illinois.
 H.R. 1493: Mr. FLAKE, Mr. MCCAUL of Texas, Ms. GINNY BROWN-WAITE of Florida, and Mr. KENNEDY of Minnesota.
 H.R. 1500: Mr. CONAWAY.
 H.R. 1505: Ms. FOXX and Mr. KUHLM of New York.
 H.R. 1520: Mr. DAVIS of Tennessee.
 H.R. 1545: Mr. PAUL.
 H.R. 1554: Mr. BRADLEY of New Hampshire and Mr. YOUNG of Florida.
 H.R. 1568: Mr. BILIRAKIS.
 H.R. 1594: Mr. LEWIS of Georgia.
 H.R. 1595: Mr. RYAN of Ohio, Mr. SIMMONS, Ms. LEE, Ms. MILLENDER-MCDONALD, Mr. KUCINICH, and Mrs. MCCARTHY.
 H.R. 1598: Mrs. WILSON of New Mexico.
 H.R. 1599: Mr. GOODE.
 H.R. 1608: Mr. SOUDER and Mr. BURTON of Indiana.
 H.R. 1616: Mrs. MYRICK, Mr. HAYES, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.
 H.R. 1636: Mr. NADLER and Mr. BROWN of Ohio.
 H.R. 1638: Mr. BUTTERFIELD and Mrs. MILLER of Michigan.
 H.R. 1639: Mr. BAIRD, Mr. CUMMINGS, Mr. LARSEN of Washington, Mr. BROWN of Ohio, Mr. PETERSON of Minnesota, Ms. JACKSON-LEE of Texas, and Ms. MCCOLLUM of Minnesota.
 H.R. 1652: Mr. HINCHEY, Mr. STARK, Mr. McDERMOTT, Mr. KUCINICH, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. NADLER, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PALLONE, Ms. MCCOLLUM of Minnesota, and Mr. GRIJALVA.
 H.R. 1664: Mr. SHAYS and Mr. TERRY.
 H. Con. Res. 10: Mr. McNULTY and Mr. PLATTS.
 H. Con. Res. 24: Mr. MENENDEZ and Mr. HOYER.
 H. Con. Res. 85: Mr. McKEON and Mr. ALEXANDER.
 H. Con. Res. 90: Mr. DOGGETT and Mr. DEFazio.
 H. Con. Res. 99: Ms. NORTON, Mr. STARK, and Mr. JENKINS.
 H. Con. Res. 107: Ms. KILPATRICK of Michigan, Mrs. JONES of Ohio, Mr. ACKERMAN, Mr. GEORGE MILLER of California, and Mr. BRADY of Pennsylvania.

H. Con. Res. 127: Ms. BORDALLO, Mr. EVANS, Mr. SMITH of New Jersey, Mr. HYDE, Mr. BERMAN, Mr. CROWLEY, Mr. GREEN of Wisconsin, Mr. ENGEL, Mr. BURTON of Indiana, Mr. HASTINGS of Florida, and Mrs. JO ANN DAVIS of Virginia.
 H. Res. 38: Mr. BAKER, Mr. WAXMAN, and Mr. GARRETT of New Jersey.
 H. Res. 54: Mr. BAKER, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. GARRETT of New Jersey, and Mr. BOOZMAN.
 H. Res. 61: Ms. SCHAKOWSKY.
 H. Res. 97: Mr. KLINE, Mr. LEWIS of Kentucky, Mr. CALVERT, Mrs. BLACKBURN, and Mr. EVERETT.
 H. Res. 116: Mr. MOORE of Kansas, Ms. WOOLSEY, and Mr. BISHOP of New York.
 H. Res. 123: Mr. RAMSTAD.
 H. Res. 131: Mr. JONES of North Carolina.
 H. Res. 142: Mr. MURPHY.
 H. Res. 146: Mr. KUHLM of New York and Mr. WESTMORELAND.
 H. Res. 158: Mr. MILLER of North Carolina and Mr. TERRY.
 H. Res. 185: Mr. FARR, Mr. FILNER, Ms. WOOLSEY, Mr. GUTIERREZ, Mr. LARSON of Connecticut, Mr. ABERCROMBIE, Mr. OBERSTAR, Ms. LORETTA SANCHEZ of California, and Mr. BERMAN.
 H. Res. 189: Mr. KUHLM of New York.
 H. Res. 208: Mr. DINGELL.
 H. Res. 214: Mrs. MYRICK and Mr. SOUDER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 6

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: In title VII, subtitle D, after section 754, insert the following new section (and amend the table of contents accordingly):

SEC. 755. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:
 (1) PROGRAM.—The term “program” means the Conserve by Bicycling Program established by subsection (b).
 (2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.
 (b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the “Conserve by Bicycling Program”.
 (c) PROJECTS.—
 (1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—
 (A) dispersed geographically throughout the United States; and
 (B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.
 (2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—
 (A) use education and marketing to convert motor vehicle trips to bicycle trips;
 (B) document project results and energy savings (in estimated units of energy conserved);
 (C) facilitate partnerships among interested parties in at least 2 of the fields of—
 (i) transportation;
 (ii) law enforcement;
 (iii) education;
 (iv) public health;
 (v) environment; and
 (vi) energy;
 (D) maximize bicycle facility investments;
 (E) demonstrate methods that may be used in other regions of the United States; and
 (F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;
 (ii) land use and traffic patterns;
 (iii) the carrying capacity of bicycles; and
 (iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,200,000, to remain available until expended, of which—

(1) \$5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) \$300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) \$750,000 shall be used to carry out subsection (d).

H.R. 6

OFFERED BY: MR. ABERCROMBIE

AMENDMENT NO. 2: In title II, subtitle A, add at the end the following new section:

SEC. 209. SUGAR CANE ETHANOL PILOT PROGRAM.

(a) DEFINITIONS.—In this section:
 (1) PROGRAM.—The term “program” means the Sugar Cane Ethanol Pilot Program established by subsection (b).
 (2) SECRETARY.—The term “Secretary” means the Secretary of Energy.
 (b) ESTABLISHMENT.—There is established within the Department of Energy a program to be known as the “Sugar Cane Ethanol Pilot Program”.
 (c) PROJECT.—
 (1) IN GENERAL.—In carrying out the program, the Secretary shall establish a pilot project that is—
 (A) located in the State of Hawaii; and
 (B) designed to study the creation of ethanol from cane sugar.
 (2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—
 (A) be limited to the production of ethanol in Hawaii in a way similar to the existing program for the processing of corn for ethanol to show that the process can be applicable to cane sugar;
 (B) include information on how the scale of projection can be replicated once the sugar cane industry has site located and constructed ethanol production facilities; and
 (C) not last more than 3 years.
 (d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$8,000,000, to remain available until expended.